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Activities of the International Research and Training Institute for the Advancement of Women

Report of the Secretary-General

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I. Introduction

1. This report is submitted in pursuance of paragraph 10 of resolution 52/95 of 12 December 1997, by which the General Assembly requested the Secretary-General to submit to the Assembly at its fifty-fourth session a report on the activities of the International Research and Training Institute for the Advancement of Women (INSTRAW). The report covers the period since the submission of the Secretary-General's previous report on INSTRAW (A/52/352) in September 1997 and focuses on the substantive activities carried out by the Institute during the period under review.

2. In its resolution 1999/54, adopted in July 1999, the Economic and Social Council requests the Secretary-General to draw up, in consultation with the Board of Trustees, a new structure and working method for the Institute and to report to the General Assembly at its fifty-fourth session, taking into consideration the views of interested States. Consultations with the Board of Trustees and interested Member States are under way and they will be reported on separately.

3. Further details on the financial and staffing situation of the Institute, including an analysis of the reasons for that situation and its implications for the Institute, information on the progress being made in the preparation of a strategic and comprehensive work plan, and information on the outcome of the Inter-Agency Brainstorming Workshop, as requested by the Council in resolution 1998/48 of 31 July 1998, are contained in the report of the President of the INSTRAW Board of Trustees to the 1999 substantive session of the Council (E/1999/105). Section IV of the present report provides an update on the financial situation of INSTRAW.

4. Within its current severe financial and staffing constraints, the Institute has been able to implement a modest but promising substantive programme of work, thus demonstrating its institutional potential and proving its capability to fulfil its unique role in pursuit of the advancement of women and gender equality.

II. Programme framework for the biennium 1998-1999

5. The Institute's work programme for the 1998-1999 biennium was prepared after the following elements were taken into consideration: the ongoing restructuring of the world economy and the consequent liabilities and opportunities for women; the policy decisions, mandates and plans of action of various United Nations conferences, the Economic and Social Council, the General Assembly, and the INSTRAW Board of Trustees; and the continuation of programmes where INSTRAW has made significant contributions or breakthroughs. The work programme also took into consideration the availability of the financial resources necessary to ensure an effective implementation of planned activities during the biennium 1998-1999 and all relevant regulations and rules established by the United Nations.

6. The programme of work for the 1998-1999 biennium has been prepared with a general focus on the advancement of women rather than on the four thematic areas that previously determined the Institute's activities. The advancement of women is perceived as a continuous process, which involves empowerment, emancipation and equality. Such an approach was envisaged so as to provide INSTRAW with the flexibility to respond to emerging policy concerns relating to the advancement of women. The specific activities undertaken respond to the need to understand societal obstacles that constrain women's advancement and to help the process of their empowerment so that they become fully mobilized and adequately valued for their dynamic involvement in the development process.

III. Highlights of the Institute's programme of activities

7. The Institute's programmes for the biennium were built around three major research programmes and various training activities, which are discussed in detail below.

A. Research programme

8. During the 1998-1999 biennium, the Institute conducted research on the following topics: engendering the political agenda, temporary labour migration of women, and women networking for conflict prevention and resolution.

Engendering the political agenda

9. This research subprogramme was designed in response to increasing interest on the part of the international community in gender issues over the past two decades and emerging awareness of the critical importance of achieving gender equality. After the Fourth World Conference on Women, the discourse on gender increased markedly. The existence of multiple actors — the international women's movement, the United Nations and other international

organizations, and women's organizations, with their different gender agendas — has encouraged Governments to address women's issues and gender equality seriously.

10. INSTRAW recognized the importance of understanding how these new processes and diverse actors shape political aspects of gender equality issues in different countries as a means of enriching policy deliberations to strengthen Governments' accountability for sustainable gender equality measures. With these considerations in mind, the Institute designed a research subprogramme on engendering the political agenda for the 1998-1999 biennium.

11. As part of the project, INSTRAW conducted comparative case studies in the Dominican Republic, Romania and South Africa on the processes involved in the engendering of the political agenda, in order to document and analyse the following:

(a) How the interplay between the State, civil society and the international arena in their particular socio-economic, political and cultural contexts determines the extent to which diverse policy processes take women's and gender equality issues into consideration and affect gender-sensitive policies and programmes;

(b) What are the conditions and the strategies that lead to successful engendering of the political agenda?

The research was carried out around the issues of violence against women, women's sexual and reproductive rights, sexual exploitation and trafficking of women, women's social security rights, and the impact of customary law and practices.

12. The research findings have important bearings on policy deliberations, both at the international and the national levels, since they identify the principal challenges facing the inclusion of gender equality issues into policy-making and make consequent recommendations for measures to strengthen national capacities for gender mainstreaming. The findings may be an important contribution to the special session of the General Assembly to appraise and assess the progress achieved in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women,[1] and the Beijing Declaration[2] and the Platform for Action[3] of the Fourth World Conference on Women, five years after their adoption. After an examination of the interactions among the major actors in national policy deliberations and decision-making processes, the findings suggest means and strategies for increased synergy and convergence and also means by which policy implementation and accountability can be ensured. The three case studies reaffirmed that in order to create favourable conditions for engendering the political agenda, a synergy of activities of multiple local, national and international actors is needed.

13. South Africa appears to be a successful example, especially with reference to issues of violence against women and reproductive health. The historical moment of transition to democracy produced a particular set of circumstances that enabled positive conditions for gender-equality activists within and outside government to place gender issues on the national agenda. One of the most important factors in this process was the establishment of a rights framework in the Constitution with a particular commitment to gender equality and women's human rights. The rights-based approach served as a major reference point and justification which was used by women activists within the civil society, several political parties and the Government in pressing for normative changes. It is interesting to note that in the case of South Africa, in all three processes studied, the main interactions of gender equality activists were with Parliament and the state law reform committee rather than with government. Evidence of the research suggests that having "gender-sensitive" women and men in positions of power was important in ensuring that gender issues were placed on the political agenda.

14. In Romania, the process of transition to democracy and the willingness of the Government to adopt legislation have not yet brought about the creation of a "woman-friendly" State, as was the case in South Africa. One of the major reasons for this was the lack of an organized civil society movement and of awareness among political actors about issues of gender equality. The study shows that some normative changes taking place, particularly with regard to issues of violence against women and reproductive health, are results of increased pressures by international organizations operating in Romania. The study recommends that in order to promote governmental policies regarding women's rights and gender equality with a real capacity to induce positive change, it is of utmost importance to rethink the organizational structure of the national machinery within the Government and to increase its authority by diversifying its functions and providing an adequate budget.

15. The case study in the Dominican Republic suggests that, despite the fact that the country has embarked on a process of reform and modernization of the State, gender equality has not yet become a part of a wider process of institutional reform. The Government has entrusted the national machinery with gender concerns. Other governmental institutions have remained largely insensitive to the inclusion of gender concerns in their agendas. An

issue such as the prevention of violence against women can be successfully introduced into public policy through strategic alliances developed between women's organizations, women in Parliament and international organizations. The study raises concerns regarding the issue of maintaining the autonomy of the national machinery from international donor-based agendas. While the issue of trafficking and sexual exploitation of women is of great importance in the Dominican Republic, little attention has so far been given to this challenge, due to lack of funds.

16. It should be noted that the research findings in the three case studies confirm the important role played by United Nations conventions, resolutions, conferences, programmes and projects in the process of engendering the political agenda. The studies reveal that the involvement of the United Nations and other international organizations in the policy processes has strengthened their participatory nature. By reinforcing practices of creating broader consensus on certain policy issues, the United Nations and other donor agencies have helped ensure higher standards of implementation, sustainability and accountability. The research also notes that United Nations conventions and resolutions for women's organizations have served as important tools for legitimizing their demands and holding Governments accountable for compliance.

17. Certain common obstacles to the process of engendering the political agenda were identified. They were the lack of extension of the activities of women's machinery and women's organizations to local and rural areas, severe financial restrictions for relevant programmes and projects that address gender equality, and lack of technical expertise.

18. The case studies were discussed at an expert group meeting held in Romania on 2 and 3 September 1999. The experts discussed the role of different actors in the process of engendering the political agenda from different regional and national perspectives. The meeting resulted in the development of a framework for engendering the political agenda based on recommendations emanating from the research of the different actors engaged in the process of engendering politics and on recommendations on how to improve the coordination and the effectiveness of the activities of each of the actors involved.

19. The meeting concluded that successful gender mainstreaming is more likely to take place in countries where responsibility for it is not located in a single governmental body and where civil society is actively involved in advancing gender-equality issues. It further noted that, given that policy processes are complex and multilayered, the conventional understanding of national machinery needs to be reviewed. It was therefore recommended that Governments should establish multiple structures and mechanisms at all policy-making instances, to ensure effective gender mainstreaming; and review the status of gender focal points in order to ensure that they are strategically placed and have sufficient authority to influence policy-making.

20. The expert group meeting also highlighted the importance of civil society in engendering the political agenda and recommended that Governments and the international community devise mechanisms and procedures to encourage their involvement. Bearing in mind that civil society is not homogeneous and that non-governmental organizations do not represent all the views and interests of civil society, the meeting noted the need to promote flexible decision-making structures that incorporate community leaders, local governments, educational institutions and churches, among others.

21. The meeting noted the significant role that international organizations have played in getting gender equality issues into the national agendas. However, international organizations need to enhance the financial and human resources allocated for assisting Governments to mainstream gender. It was observed that the structure for coordinating United Nations activities at the country level needs to be strengthened by promoting the establishment of inter-agency committees on gender equality and by strengthening the capacity of gender focal points. The role of the country-level gender focal points in balancing local, national and international gender priorities was emphasized. Finally, it was recommended that the United Nations should continue to promote and support research on gender issues and to facilitate the development of partnerships between centres of knowledge around the world. Such partnerships would allow for the sharing of knowledge and the development of indicators for monitoring gender mainstreaming at the national level.

Temporary labour migration of women

22. This research subprogramme was designed to reflect the new division of labour between capital and labour, increasingly favouring the temporary labour migration of women. In some regions, notably Asia, a "feminization" of labour migration has taken place.

23. Because of their subordinate status, both as migrants and as women, female migrant workers are highly vulnerable to exploitation and ill treatment. Many migrant women work without any official working contracts and under highly unfavourable conditions, including low salaries, no

insurance, no control over working hours, violence etc. In addition, given the restrictions to labour migration in many sending and receiving countries, illegal migration and, consequently, the vulnerability of women migrants are increasing.

24. While a great deal has been written on the determinants of migration and the impact of male out-migration on the women who remain, less information is available on the reverse phenomenon — that is, the temporary migration of women and its impact on the families that remain behind. There is increasing concern about violence against migrant women, but little attention has been paid to how the migration of the woman of the family affects women's empowerment process, the structure of gender roles within the family and women's status. Furthermore, there is little empirical data on the impact of female labour migration on the family, in particular, on the girl child and the older women who may remain in the household, temporarily assuming many of the tasks and responsibilities of the migrating woman.

25. Given the lack of comprehensive data on the temporary labour migration of women and the impact on the families that remain behind, during 1999 INSTRAW commissioned the Marga Institute, headquartered in Sri Lanka, a country with a long and continuous tradition of temporary female labour migration, to conduct exploratory research on the topic.

26. The International Organization for Migration (IOM), in collaboration with INSTRAW, commissioned a parallel study in Bangladesh. Research was also conducted by the Marga Institute in Kuwait, where many women from both Sri Lanka and Bangladesh migrate to work primarily as domestics.

27. Preliminary findings of the Sri Lankan case study suggest that while there are obstacles to the successful outcome of female migration, in most cases the benefits to migrant women and their families are significant. The study found that the remittances of female migrants actually help their families to raise their level of income, gain access to better services, such as education and health, and improve the quality of life of their families.

28. With regard to the impact of female migration on women's empowerment, the study found that the female role had been enhanced, through an increase in decision-making power and through a complementarity of roles.

29. The study indicates that migrants who arrange their migration through the Sri Lankan Foreign Employment Bureau or recruiting agencies registered with the Bureau are less vulnerable to exploitation and ill treatment in both Sri Lanka and receiving countries. It therefore urges strict surveillance so as to ensure that all migrants have been duly registered.

30. The results of the two case studies were presented and discussed at a joint INSTRAW/IOM expert group meeting on 30 and 31 August 1999 in Geneva. The participants highlighted the importance of involving all stakeholders, including Governments, civil society organizations, migrant's organizations, employers, private recruitment agencies, research institutions and international organizations, in providing support to female migrant workers to better defend their rights. Recommendations were made to the various stakeholders emphasizing the human rights and dignity of female migrant workers throughout the migration cycle, in both the countries of origin and of destination.

31. The participants recommended that the Governments of countries of origin develop comprehensive migration policies to facilitate safe and protected migratory movements, taking gender into account. In this regard, policies banning the migration of women should be revised so that irregular migration can be reduced to the extent possible. The social and economic rights of women should be ensured so that they can choose whether to migrate or not.

32. The need to collect sex-disaggregated data/statistics on migration was considered important in order for Governments to design gender-sensitive migration policies. IOM, INSTRAW and the International Labour Organization (ILO) should encourage the adoption of comparable sex-disaggregated data collection systems. It was also recommended that INSTRAW and IOM pursue their mutual efforts to increase awareness of the specific situation and needs of female migrant workers and, to that effect, carry out studies on female migrant workers in other regions such as Africa, Latin America and the Caribbean. It was felt that Governments and civil society organizations in countries of origin should both be involved in monitoring the conditions of employment of female migrants in major receiving countries.

33. The need to supply migrants with adequate information and pre-departure training was emphasized as was the use of information technology for that purpose. Training for front-line agencies such as immigration, police and consular officials, on proper handling of migrants victims of traumatic stress as a result of gender-based violence was also recommended. INSTRAW and IOM could play an important role in the design of such training. Supportive measures should also be provided to ensure the welfare of the families

of female migrants, taking into consideration the needs of different members of their families, with particular attention to the educational loss that might affect the girl child as a result of the migration of the principal woman in the family.

34. As an immediate follow-up, it was recommended that INSTRAW and IOM arrange national seminars with relevant stakeholders in order to inform and sensitize citizens on female migrant issues. The seminars, among other things, should disseminate the findings of the field surveys conducted in Bangladesh and Sri Lanka and the results of the INSTRAW/IOM expert group meeting. The proceedings of the expert group meeting will be published during the last quarter of 1999 by INSTRAW and IOM.

35. During the period under review, INSTRAW made a contribution on the migration aspects of labour mobility to the forthcoming publication *1999 World Survey on the Role of Women in Development*, prepared by the Division for the Advancement of Women, United Nations Secretariat. The Institute also participated in relevant international meetings relating to migration issues, such as the Technical Symposium on International Migration and Development held at The Hague, 29 June-3 July 1998.

Women networking for conflict prevention and resolution

36. The need to include the gender dimension in peace and security issues has been widely recognized by the United Nations. The need for research on the role of women in conflict prevention and conflict resolution and on the extent and the nature of their participation in peace processes has also been emphasized.

37. INSTRAW has identified a need to develop a common conceptual framework and a methodology for research and networking on this issue in order to answer such questions as: What are the effects of rising conflicts on gender roles/relations? What mechanisms can be established to empower women to create alternative solutions for themselves as well as for conflict prevention/resolution? In what ways have the strategies for conflict prevention/resolution used by women's organizations helped shape public opinion and national policy-making? How can women's experiences and activities be utilized within the framework of the wider United Nations agenda of international security and peacekeeping?

38. These questions are addressed in a research project on women networking for conflict prevention and resolution, developed by INSTRAW. The project is based on an innovative methodology which attempts to integrate research and network-oriented action for analysis, conflict prevention and confidence-building. The methodology is participatory and gives primary emphasis to strengthening local capacity for research, networking and action in order to achieve longer term collaboration and sustainability of the network itself. As such, it consists of the following two phases:

(a) The first phase encompasses conceptual and research aspects of the network of women's organizations as research devices to assist in the production and analysis of the required information and to develop, execute and test the effectiveness of different conflict resolution strategies. Two selected research centres, one in Serbia and one in Kosovo, were to coordinate the activities of the network. Creating a sustainable base for the future functioning and engagement of the network is one of the important objectives of this phase;

(b) The second phase will encompass operational aspects of the network and production of information to be fed into INSTRAW's database on good practices of integrating gender issues into the politics of conflict-ridden areas. This phase will also attempt to extend the network in surrounding countries and other regions and will require collaborative efforts among different United Nations agencies and other international organizations operating in the selected countries.

39. The preparatory activities for this research project included an extensive bibliographical search and review of literature in order to identify the methodological and conceptual gaps in studying the issue of gender and conflict. The first phase of the project, entailing field research/case studies, was not initiated until the third quarter of 1999, due to the crisis in Kosovo. Phase one of the project, which also includes a regional expert group meeting, is expected to be finalized in the first quarter of 2000. Phase two, will be carried over to the year 2000. United Nations University has made a financial contribution to the first phase of the project.

B. Training programme

40. During the period under review, INSTRAW began a revision of its training approach in response to various recommendations pointing to the need to link the Institute's training activities to its research findings and follow-up by the Institute. As a result, during the biennium 1998-1999 the Institute's training activities in traditional areas were limited to those outlined below.

Statistics and indicators on gender issues

41. The National Training Seminar on Sex-disaggregated Data and Gender Statistics in Mongolia was organized by the International Organizations Department of the Ministry of External Relations of Mongolia and INSTRAW and was held from 26 to 28 May 1999 in Ulaanbaatar, in collaboration with the Statistics Division of the United Nations, the National Statistics Office and the Department of Youth, Family and Women of the Ministry of Health and Social Welfare.

42. The Seminar was attended by representatives and experts from government Ministries, central and district offices affiliated to the National Statistics Office, non-governmental organizations, users of statistics, the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), and international organizations located in the country.

43. The Seminar addressed the following major topics: the need for sex-disaggregated statistics and indicators; status of sex-disaggregated data in the statistical system of Mongolia; development of gender statistics and indicators on employment; data requirements and gaps in social policy-making; and tools for compiling and analysing statistical data on women and men and producing national reports. The Seminar specifically emphasized the need for gender statistics in the areas of major concern in the National Programme of Action on the Advancement of Women in Mongolia — namely: education; rural women; women and their status/rights in the family; women and poverty; violence against women; and women at decision-making levels.

44. The results of the training seminar included a user-friendly publication on gender indicators in Mongolia, published in both English and local languages.

National training seminar on women, environmental management and sustainable development

45. In cooperation with the Solomon Islands College of Higher Education (Distance Education Centre), INSTRAW conducted the National Training Seminar on Women, Environmental Management and Sustainable Development from 24 to 28 August 1998 in Honiara, Solomon Islands.

46. Thirty participants from various governmental departments and non-governmental organizations attended the Seminar where the following issues were addressed: Agenda 21 and United Nations initiatives on women and environmental health; women as agents of change in the development sector; women as managers of the environment; and women, environmental indicators and capacity-building. Working group discussions produced valuable conclusions and recommendations that will enhance women's involvement in the processes of environmental management and sustainable development in the Solomon Islands.

Workshop on human rights and trafficking in women

47. INSTRAW collaborated with the Global Alliance Against Trafficking in Women (GAATW) and the Women's Studies Programme of the University of Puerto Rico in a regional Latin American and Caribbean workshop on women's human rights, traffic and migration, held at INSTRAW from 21 to 27 June 1998. The 16 participants, represented selected women's organizations in the region. The principal objective of the meeting was to familiarize the participants with existing international instruments which could be used in addressing issues related to human rights violations of trafficked women. The participants shared local experiences in using such instruments and discussed strategies to ensure their effective use. INSTRAW made a presentation on the importance of international instruments in supporting the efforts of women's organizations in these matters.

Manual for enhancing the use of computer mediated communication

48. Based on a survey carried out in 1996 by INSTRAW on the use of electronic communications by women's organizations in Latin America and the Caribbean, during the period under review INSTRAW designed an electronic manual in Spanish for enhancing the use of computer-mediated communications by women's organizations. In addition to providing technical guidelines for the use of electronic communications, the manual illustrates how they can be used to enhance the capacity of women's organizations to accomplish their strategic objectives through research, training, advocacy, networking and information dissemination. The manual also contains a directory with links to useful Web sites, mailing lists and news groups of particular interest to women and a comprehensive glossary and section of frequently asked questions. The manual was placed on-line (www.onu.org.do/instraw) for testing purposes in order to reach a wider geographical coverage while at the same time making a more cost-efficient use of its resources. The WomenWatch group of partners, which includes the Division for the Advancement of Women and the United

Nations Development Fund for Women (UNIFEM), have expressed interest in translating the manual into English and French in addition to making it available through the WomenWatch site, the United Nations Internet gateway on the advancement of women.

49. The Institute reinstated its internship programme which had been postponed since 1994. Five interns from various countries participated in the programme at headquarters in Santo Domingo and three at the liaison office in New York.

C. Inter-agency activities

50. Throughout the period under review, the Institute continued to collaborate with other United Nations agencies in many of its activities, including participation as a member of the Inter-Agency Committee on Women and Gender Equality. In the context of the Inter-Agency Committee's work programme, INSTRAW collaborated with the United Nations Children's Fund (UNICEF) in the preparation of a project proposal to develop and implement a global electronic database and Internet network on gender-related training materials. The project has been designed to encourage inter-agency collaboration in the presentation, use and review of materials that support capacity-building on gender equality issues. The project has been deferred until the new structure and working method of the Institute are defined.

51. In an attempt for INSTRAW to finalize the project on time-use by women and men in the Dominican Republic, which had been carried over from past bienniums, due to technical difficulties, UNDP and INSTRAW collaborated in calculating weights for the samples of the time-use survey, thus enabling the data to be analysed. At the moment, the report of the project is being finalized. Further collaboration between the two entities will entail an assessment of the time-use methodology developed by INSTRAW.

52. INSTRAW provided substantive inputs for ensuring a gender-sensitive approach to the conceptualization, conduct and reporting of the Caribbean Civil Society Symposium, at the request of the UNDP resident representative in Trinidad and Tobago. The Institute was subsequently invited to participate in the Symposium, held in July 1999 in Port-of-Spain. The theme of the Symposium was "Building community: moving towards equity" and was aimed at the development of a "Caribbean citizens agenda".

53. In its efforts to ensure that women and gender issues are reflected in the relevant coordinating mechanisms within the United Nations system, INSTRAW participated in the sessions of relevant commissions and committees, conferences and seminars related to the substantive programme of work of the Institute. INSTRAW participated in the fourth session of the Committee on Natural Resources (10-19 March 1998) and the third session of the Committee on Renewable Sources of Energy and Energy for Development (3 March-April 1998), where it presented statements on the role of women and INSTRAW's work in relevant areas. INSTRAW also participated in the sixth session of the Commission on Sustainable Development (April 1998).

54. The joint Economic Commission for Europe (ECE)/INSTRAW/Statistics Division of the United Nations work session on gender statistics was held in Geneva from 20 to 22 April 1998. INSTRAW presented a paper on gender aspects of intergenerational solidarity in Europe and participated in an informal group meeting to identify emerging issues to be covered by the next work session on gender statistics.

55. INSTRAW was represented by several Board members at the following inter-agency meetings: the seventh session of the Commission on Crime Prevention and Criminal Justice, held in Vienna in April 1998; the Meeting on Women and Health, organized by the Division for the Advancement of Women in Tunisia in September 1998; the International Conference on Population and Development Advocacy in the Global Information and Knowledge Management Age: Creating a New Culture, organized by UNFPA in Turkey in December 1998; and the Second Arab Meeting for Follow-up to the Beijing Conference, organized by the Economic and Social Commission for Western Asia (ESCWA) in Lebanon in December 1998.

56. At its headquarters in Santo Domingo, INSTRAW hosted a training workshop on gender mainstreaming for gender focal points and volunteers organized by the UNDP Gender in Development Unit, the United Nations Volunteers and UNIFEM, from 18-26 May 1998. In addition, INSTRAW made substantive contributions.

57. In the host country, INSTRAW participated on a regular basis in all inter-agency meetings of the United Nations system, including meetings of the thematic group on women/gender issues. In addition, it made substantive contributions to discussions on documents prepared by the system.

58. In compliance with Economic and Social Council resolution 1998/48 of 31 July 1998, the Institute held an Inter-Agency Brainstorming Workshop from 3 to 4 May 1999, in New York. Representatives from INSTRAW and its Board of Trustees, the Division for the Advancement of

Women, UNIFEM, UNDP and ESCWA, representing all the regional commissions, attended the meeting. Representatives of the Permanent Missions to the United Nations of the Dominican Republic and the United Kingdom of Great Britain and Northern Ireland were also present. The meeting addressed two main items: emerging trends and challenges for gender equality; and conceptual frameworks and work strategies of different United Nations agencies responding to those emerging trends.

59. At the Workshop, INSTRAW presented a discussion paper on emerging trends and challenges for the advancement of women and gender equality, as well as its strategic plan and work programme for 2000-2003, and received valuable inputs from the participants. Special focus was given to INSTRAW's new approach to research and training which is based on increased networking and collaboration with academic and research institutions and the creation and maintenance of a global interactive service on gender research and training resources. The discussions, based on presentations by the various participating agencies, highlighted the usefulness of increased networking, both for the work of the United Nations and for the capacity-building of the local and national research centres that will be part of the network. One important point raised during the Workshop related to the need to find further mechanisms and instruments that would more effectively link the work of different United Nations entities, in providing research findings to guide policy recommendations and, in turn, receiving feedback from the operational agencies on their research and training needs.

D. Other activities related to research and training

60. As a contribution to the International Year of Older Persons (1999), INSTRAW prepared a monograph entitled, "Ageing in a gendered world: women's issues and identities". It contained papers that examine such issues as the effects of privatizing pension systems and what women lose in retirement benefits when they take time off from work to take care of children. Other issues examined included: the economic, social and cultural factors that encourage the expectation that women will take care of the elderly; whether "care-giver" is a universal female identity; and widowhood and how it is affected by the economic and demographic changes occurring in different parts of the world. The monograph will be published during the last quarter of 1999.

61. The Institute published the first of its occasional papers, entitled "Engendering the global agenda: a success story of women and the United Nations". The paper examines the changing objectives of women's global agenda and documents the shift in emphasis from securing equality between women and men to the recognition of equality, peace and development as prerequisites for women's equal participation in decision-making processes and to mainstreaming the gender perspective in the 1990s. The paper was distributed at the forty-third session of the Commission on the Status of Women and the 1999 substantive session of the Economic and Social Council.

62. INSTRAW was invited to present a paper on methodological issues of measurement and valuation of unpaid work at the International Seminar on Gender, State and Macroeconomics, held in Cartagena, Colombia and organized by the Colombian Ministry of Planning and the German Agency for Technical Cooperation from 4 to 6 June 1998. The paper was published as part of a monograph on the Seminar.

63. INSTRAW presented substantive papers at the following conferences: Seminar on Evaluation of Equality Policies, organized by the International University Menéndez Pelayo, Santander, Spain, 29 June-1 July 1998 (at the invitation of the INSTRAW focal point in Spain); Conference on the Empowerment of Arab Women, organized by the Institute for Women's Studies in the Arab World, 3-4 December 1998, in Beirut, Lebanon; and Conference on Science and Research Policy in Turkish Agriculture, organized by the Agricultural Economics Research Institute, 21-22 December 1998, in Ankara, Turkey.

E. Information, documentation and communication

64. As a result of the cost reduction measures undertaken by INSTRAW, the internal printing facilities were closed and the overall work programme of the relevant unit was substantially cut back during the period under review.

65. Despite financial and other constraints, the Information, Communication and Documentation Unit prepared several publications, among them executive summaries in French and Spanish of previous INSTRAW publications.[4] Two issues of *INSTRAW News* were published: No. 28 was dedicated to gender equality and women's human rights, in observation of the fiftieth anniversary of the Universal Declaration of Human Rights; and No. 29 focused on women's lifecycle and ageing, in

anticipation of the International Year of Older Persons (1999). INSTRAW's "Profile for the new millennium", a general informative booklet about INSTRAW and its work, was published and widely distributed.

66. The Institute also prepared the INSTRAW 1999 agenda, which includes a complete list of INSTRAW's focal points as a tribute to women from all parts of the world who, through their personal actions, contributed to the advancement of women. In the preparation of the agenda, INSTRAW received the valuable collaboration of its focal points in the following countries: Argentina, Azerbaijan, Bahamas, Bulgaria, Burkina Faso, Canada, Dominican Republic, Ecuador, Finland, Indonesia, Italy, Mexico, Netherlands, New Zealand, Philippines, Portugal, the Republic of Korea, Spain, Tunisia, Turkey, United States of America, Venezuela, Yugoslavia, Zambia, and Zimbabwe.

67. The Institute public information activities included participation in the annual meetings of the Joint United Nations Information Committees (JUNIC) (twenty-fourth session, Rome, Italy, from 8 to 10 July 1998). INSTRAW also provided information for the JUNIC Information Exchange Bulletin. As in previous bienniums, INSTRAW participated in the United Nations Information Fair held at United Nations Headquarters.

68. Other public information activities included a segment of a weekly television programme in the Dominican Republic on INSTRAW activities. The segment was shown in conjunction with the International Day of No Violence Against Women (25 November) and featured information on the overall initiatives of the United Nations system to combat violence against women.

69. In compliance with auditors' recommendations, the use of the Institute's installed computer system has been significantly increased. This includes the expansion of INSTRAW's internal network and wider access to the Internet. Thus the Institute's ability to perform bibliographic searches and remain abreast of the latest developments in research and training worldwide has improved considerably.

F. The Institute's advocacy network

70. Due to cost-reduction measures, the INSTRAW liaison office in New York was closed. As of 31 March 1999, all the Institute's operational activities are being carried out from its headquarters in Santo Domingo.

71. INSTRAW continued to interact with its network of focal points. Activities included collaboration with the General Directorate for the Promotion of Women (Dirección General de Promoción de la Mujer), the focal point in the Dominican Republic, in the design and conduct of a training programme for women politicians on how to incorporate gender into policy-making. In addition, at a workshop for governmental officials organized by the General Directorate, INSTRAW conducted training sessions on the measurement and valuation of unpaid work and on United Nations instruments and the human rights of women.

72. The Institute of Development Studies at the University of Helsinki and the Italian Association for Women in Development, INSTRAW focal points, facilitated INSTRAW's contact with governmental officials and women's groups in Europe.

IV. Financial situation of the Institute

73. INSTRAW is funded solely from voluntary contributions. Since its inception, the Institute has received contributions from 79 Member States, from both developed and developing countries. INSTRAW's estimated expenditures for 1998-1999 were approved by the Institute's Board of Trustees at $3.8 million, on the basis of projected resources, including reserves available at the Trust Fund ($2 million as of 1 January 1998) and expected pledges for the biennium. This amount was later reduced to $2,516,619 to adjust the level of expenditures to the income received for the period, which only amounted to $1,046,007, in addition to the above reserves of $2 million in the Trust Fund.

74. The lowered level of contributions received by INSTRAW during the current biennium has reduced the Institute's overall capacity to comply with its mandate and hampered its immediate ability to implement the approved programme of activities for the biennium 1998-1999. In spite of its serious financial situation, the Institute has achieved significant progress in the implementation of a condensed but sound substantive programme of work. These achievements are proof of the Institute's capacity to regain its former levels of performance if it is provided with adequate resources.

V. Conclusion

75. Two decades ago the international community identified the need for and created an Institute that could promote and conduct the specific research and training required for advancing the situation of women worldwide. At present, INSTRAW's activities are an integral part of the overall efforts of the United Nations to achieve gender

equality. Since the Institute's establishment, Member States have continuously reaffirmed their commitment to INSTRAW, through resolutions of the Economic and Social Council and the General Assembly. The Institute acknowledges and appreciates the reliance of those Member States that have steadily supported its work and activities throughout the years. However, it is only with commensurate levels of financial support and leadership that INSTRAW can realistically and effectively fulfil its role and accomplish the tasks it has been mandated.

Notes

[1] *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985* (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[3] Ibid., annex II.

[4] *The Migration of Women: Methodological Issues in the Measurement and Analysis of Internal and International Migration*; *Measurement and Valuation of Unpaid Contribution: Accounting through Time and Output*; and *Valuation of Household Production and the Satellite Accounts*.

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Situation of human rights in Cambodia

Report of the Secretary-General

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I. Introduction

1. Pursuant to Commission on Human Rights resolution 1993/6 of February 1993, the Special Representative of the Secretary-General for Human Rights in Cambodia is to undertake the following tasks:

(a) To maintain contact with the Government and people of Cambodia;

(b) To guide and coordinate the United Nations human rights presence in Cambodia;

(c) To assist the Government in the promotion and protection of human rights.

2. Thomas Hammarberg (Sweden) was appointed by the Secretary-General as his Special Representative for Human Rights in Cambodia in 1996. Since he assumed his functions in May 1996, Mr. Hammarberg has undertaken 14 official missions to Cambodia and reported each year to the General Assembly (A/51/453, A/52/489, A/53/400) and to the Commission on Human Rights (E/CN.4/1997/85, E/CN.4/1998/95, E/CN.4/1999/101 and Add.1).

3. In its resolution 53/145 of 9 December 1998, the General Assembly took note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia, in particular his concerns about political violence, the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, child labour and child prostitution and trafficking. The Assembly further expressed grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrests and detention, and violence in relation to political activities.

4. The Assembly, welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and her visit to Cambodia in January 1998 and the agreement by the Government of Cambodia to extend the mandate of the Cambodia Office of the High Commissioner, requested the Secretary-General to ensure adequate resources and encouraged the Government to continue to cooperate with the Office.

5. In its resolution 1999/76 of 22 April 1998, the Commission on Human Rights reiterated the major concerns expressed in the General Assembly resolution. The Commission stressed the importance of the upcoming communal elections being conducted in a free and fair manner. The Commission also urged the Government to continue to take appropriate measures, including seeking technical assistance, to eliminate discrimination against women, including in the political and public life of the country, and to combat violence against women in all its forms.

6. The Commission requested the Government of Cambodia and the United Nations High Commissioner for Human Rights to enter into discussion with a view to renewing the memorandum of understanding on the programme.

7. Both the General Assembly and the Commission on Human Rights in their respective resolutions endorsed the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history had been committed by the Khmer Rouge and noted with concern that no Khmer Rouge leader had been brought to account for his crimes.

8. The Commission took note with appreciation of the report submitted by the Group of Experts appointed by the Secretary-General (A/53/850-S/1999/231, annex) and strongly appealed to the Government of Cambodia to take all necessary measures to ensure that those who were most responsible for the most serious violations of human rights were brought to account in accordance with the international standards of justice, fairness and due process of law, bearing in mind the report of the Group of Experts and the Secretary-General's letters to the President of the General Assembly and the President of the Security Council dated 15 March 1999 (A/53/850-S/1999/231), and encouraged the Government of Cambodia and the international community to continue to cooperate for this purpose.

9. The Assembly requested the Secretary-General to report to it at its fifty-fourth session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate. The present report is submitted pursuant to that request and is based on the thirteenth and fourteenth missions of the Special Representative to Cambodia. The report was finalized in August 1999.

II. Thirteenth and fourteenth missions of the Special Representative of the Secretary-General for Human Rights in Cambodia

A. Thirteenth mission, 14-26 March 1999

10. The focus of this mission was the question of bringing Khmer Rouge leaders to justice, further to the report of the Group of Experts appointed by the Secretary-General. The Special Representative also looked into the areas of the right to education, the protection of minorities and judicial reform.

11. During his visit, the Special Representative held meetings with senior government representatives, including the Prime Minister, Hun Sen, the co-Minister of the Interior, Sar Kheng, the Minister of Justice, Uk Vithun, and the Minister of Education, Tol Lah. He also met the President of the National Assembly, Prince Ranariddh, the opposition leader, Sam Rainsy, the governmental Cambodian Human Rights Committee and representatives of civil society. He held meetings with a wide range of representatives from the diplomatic community including those of the five permanent members of the Security Council. He had discussions with representatives of the United Nations, including the Personal Representative of the Secretary-General in Cambodia, briefed the United Nations country team and discussed the work in the area of the rights of the child with the representative of the United Nations Children's Fund (UNICEF). The Special Representative spoke on land rights and the rights of indigenous peoples at a national workshop on hill-tribe people held in Phnom Penh.

12. The Special Representative travelled to the province of Kampong Som, where he visited the prison, the police and the gendarmerie. He held discussions with the prosecutor, the chief judge and the prison director. The Special Representative was concerned about conditions in the prison, particularly about the health and nutrition situation, as well as the situation of women prisoners. He had a meeting with the director and staff of the provincial education department and talked with individual teachers. The Special Representative inquired about the two members of the local office of the Ligue cambogienne pour la protection et la défense des droits de l'homme (LICADHO) who has been arrested, an incident which has had a negative impact on non-governmental organizations and other people.

13. In Phnom Penh, the Special Representative discussed the right to education with the Minister of Education, representatives of the international community, including the United Nations Educational, Scientific and Cultural Organization (UNESCO), the European Union and NGOs working in the field of education. The Special Representative focused on the question of access to and the quality of education as well as the role of schools in providing support to children in difficulty.

14. With regard to the protection of the rights of minorities, in particular the ethnic Vietnamese, the Special Representative had meetings with representatives of the Vietnamese Association and with the Ambassador of Viet Nam. He also took up the issue with the Cambodian authorities including the Prime Minister and the co-Minister of the Interior. The Special Representative emphasized the importance of providing legal protection for ethnic Vietnamese who had been living in Cambodia for a long period of time.

15. The Special Representative followed up with the Minister of Justice on the issues referred to in an aide-mémoire that had been submitted to the Minister during the Special Representative's previous mission. The Special Representative expressed the concern of the NGO community about the arrested LICADHO workers and received the assurance of the Minister of Justice that the case was being followed closely. The Special Representative inquired about the status of the Pailin court and discussed the question of international assistance to support the efforts towards judicial reform. With regard to the procedure for the granting of amnesty by the King, the Special Representative stressed the importance of developing a clear practice based on humanitarian grounds.

16. The Special Representative sought clarifications concerning possible international assistance on the issue of the Khmer Rouge, further to the meeting of the Foreign Minister of Cambodia with the Secretary-General in New York on 12 March and the submission by the Secretary-General of the report of the Group of Experts to the General Assembly and the Security Council on 15 March. The Special Representative had detailed discussions with the Prime Minister. This meeting was also attended by the Minister for Foreign Affairs, the Minister of Justice, the Senior Minister of the Council of Ministers, the President of the Supreme Court and the President of the National Assembly Commission on Human Rights and Reception of Complaints. The Special Representative issued a press statement after the meeting. In his consultations with the diplomatic community, the Special Representative received broad expressions of support for the setting up of a tribunal

which would be international in character to bring former Khmer Rouge leaders to justice. The Ambassador of China stated that the Khmer Rouge question was an internal matter.

B. Fourteenth mission, 10-20 May 1999

17. The Special Representative continued discussions with the authorities on the question of bringing Khmer Rouge leaders to justice. He also looked into the situation of the right to health. He travelled to the province of Battambang, where he focused on the problem of torture and held discussions with the police commissioner, the chief judge and the prosecutor as well as representatives of the NGO community.

18. The Special Representative had an audience with His Majesty the King on 17 May in Siem Reap. He met senior government representatives in Phnom Penh, including the Prime Minister, Hun Sen, the co-Minister of the Interior, Sar Kheng, the Minister of Justice, Uk Vithun, the Minister of Social Affairs and Labour, Ith Sam Heng, the Minister of Women's and Veterans' Affairs, Mu Sochua, the Secretary of State for Health, Mam Bunheng, and the Director-General of the National Police, Hok Lundi. He also met the President of the National Assembly, Prince Ranariddh, the governmental Cambodian Human Rights Committee and representatives of civil society.

19. The Special Representative met representatives of member States of the Association of South-East Asian Nations (ASEAN) and briefed other representatives of the diplomatic community, including those based in Bangkok. He had a meeting with representatives of the French military assistance programme and a visiting mission of French legal experts on the question of a tribunal for Khmer Rouge leaders. He met the Personal Representative of the Secretary-General in Cambodia, the United Nations Resident Coordinator, and members of organizations working in the field of public health.

20. At the meeting with the Prime Minister the Special Representative discussed the question of the Khmer Rouge, the repeal or amendment of article 51 of the Civil Servants Act and the future work of the Cambodia Office of the High Commissioner for Human Rights (COHCHR). The meeting was also attended by other senior officials including the Senior Minister of the Council of Ministers, the President of the Supreme Court, the Secretary of State for Justice, the President of the National Assembly Commission for Human Rights and Reception of Complaints, senior advisers to the Prime Minister, as well as lawyers.

21. The Special Representative and the Prime Minister had a constructive discussion on the question of establishing a tribunal, which would meet international standards of justice, to try those most responsible for the most serious crimes committed under the Khmer Rouge regime of 1975-1979. The Prime Minister stated that Cambodia was determined to carry out the legal proceedings and recalled the urgency of doing so in view of the six-month pre-trial detention period required by Cambodian law. He indicated that work was under way to prepare a draft law which would enable foreign judges, prosecutors and lawyers to participate in the proceedings. He indicated Cambodia's interest in having the judges and prosecutors appointed by the United Nations Secretary-General and in receiving assistance in the drafting of the enabling law for submission to the National Assembly.

22. The Special Representative stressed the importance of the entire process meeting international standards if there were to be any involvement of the United Nations. He outlined the legal issues that needed to be resolved before the undertaking of actual proceedings, including the definition of applicable laws, both national and international, and procedural questions such as the appointment of personnel, the mechanism for appeals and the requirements for evidence. The Special Representative indicated his commitment to continue to facilitate international assistance to the Government on this important matter and, in particular, the provision of international expertise to assist with the preparation of the draft law.

23. With regard to article 51 of the Civil Servants Act, the Prime Minister suggested that the article could be easily amended so that concerned ministries would be kept informed, rather than asked for permission. He indicated that the question would be put on the agenda of the Council of Ministers.

24. As to the work of the Cambodia Office beyond the current agreement, which covered the period up to March 2000, the Prime Minister stated that this question would be reviewed by the Council of Ministers. He informed the Special Representative that he planned to attend the General Assembly of the United Nations later in the year, where he planned to share Cambodia's experience of cooperating with the United Nations. The Prime Minister and the Special Representative discussed the question of the spirit of cooperation.

25. The Special Representative also discussed the question of the tribunal with His Majesty the King and other senior government officials, as well as with NGO representatives. In addition, he raised matters relating to the administration

of justice, including the reform of the justice system, prison conditions and the investigation of cases of killings and torture. The Special Representative also discussed the issue of workers' rights, including the protection of Cambodians working outside the country.

26. Senior officials in the Ministry of Health provided the Special Representative with a comprehensive briefing and discussed the priorities and policies for ensuring the right to health of the Cambodian population. The Special Representative also met representatives of organizations active in the field of public health, including United Nations agencies. The Special Representative learned of the dramatic effects on the access to health services by the majority of the population of the rapid growth of the private medical sector with little regulation and control. The need to professionalize medical staff by increasing their salaries and by providing training in ethics was also urgent.

III. Issues of special concern

A. Protection against political violence and the problem of impunity

27. Since the formation of the new Government in late 1998, acts of political violence against suspected political critics or opponents have almost disappeared. The Special Representative has taken note of the commitment by the Prime Minister, made at the Consultative Group meeting in Tokyo (25-26 February 1999), to investigate the more than 130 instances of assassination and disappearance which have taken place since 30 March 1997 in a political context, and to bring the perpetrators to justice. In this context, he notes that the governmental Cambodian Human Rights Committee, which was formed in June 1998, is mandated to investigate those crimes. The Committee has so far made public the results of its investigations only in relation to a small number of those cases. The status of the remaining investigations is unclear.

28. In May, the Special Representative received a copy of a report dated 18 May 1999 and addressed to the Prime Minister by the co-Ministers of the Interior. The report concerns investigations carried out by the National Police based on the memorandum on extra-judicial killings and disappearances which the Special Representative presented to the Government in May 1998. This memorandum provided information about 24 instances of killings in which 42 people were killed and at least 20 injured, and five cases of disappearances involving seven persons.

29. The Special Representative notes that the Ministry's report provides information about two persons whose disappearance had been noted in his first memorandum, submitted to the Government in August 1997. Their reappearance had been noted by the Special Representative in his second memorandum. The Special Representative was pleased to learn that three of those people had reappeared. The Government's report does not provide information on any of the five cases of disappearances involving seven persons described in the second memorandum. The report prepared by the Ministry of the Interior concerns 9 of the 24 cases of killings, involving the deaths of 15 people listed in the second memorandum. The Special Representative is encouraged to learn that three suspects involved in two of these cases have been tried, found guilty and sentenced to periods of imprisonment. The Special Representative notes that, in another case involving the deaths of five people, an arrest warrant issued in October 1997 has not yet been executed.

30. In three of the other cases described in the report of the Ministry of the Interior, the information presented differs in matters of fact from the data collected by the Cambodia Office. The Special Representative has requested the Office to explore the reasons for these differences. In the remaining three cases, which concern the murders of three former officers of the United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) party, the Special Representative notes that the National Police investigation has concluded that robbery was the motive for the crimes. However, the investigations carried out by the Office reached a different conclusion, and the Special Representative has requested further clarification. The report prepared by the Ministry of the Interior does not provide information on the remaining 15 cases of 27 deaths cited in the second memorandum.

31. The Special Representative hopes that the new Government will make serious efforts to investigate and bring to justice those responsible for the most serious acts of politically related violence committed during the term of the previous Government. These included the assassination of four journalists; the grenade attack against the Buddhist Liberal Democratic Party congress in September 1995; the assassination of Keo Samouth in late 1996; the 30 March 1997 grenade attack against a peaceful and legal demonstration; the rocket attack against the television station in Sihanoukville on 4 May 1997; the grenade attack against the daily newspaper *Koh Santepheap* on 15 October 1997 and the subsequent attempt against the life of its editor; the 90 executions and disappearances of military and civilian members of opposition parties in July 1997 and in the

subsequent months; the killings reported prior to the 1998 elections; and the deaths related to the post-election demonstrations. The killings of Vietnamese and Cambodian fishermen or workers, in the context of racist attacks by members of the Khmer Rouge guerillas, ought also to be seriously investigated.

32. The Special Representative recognizes that to tackle the problem of impunity, a sincere and determined political commitment is required to establish in practice the principle of the equality of all before the law, and to hold accountable for their acts those involved in criminal activities, whatever their rank and position. The Special Representative therefore welcomes the decision to amend article 51 of the Civil Servants Act, though the new formulation as adopted by the National Assembly has created some confusion in that it stipulates that if a civil servant is charged or arrested, the prosecutor shall inform the head of the government institution where the person is employed within 72 hours.

33. The Special Representative notes that a warrant for the arrest of a policeman suspected of the murder in February of a young woman working in a Phnom Penh karaoke bar was issued in July. He trusts that the suspect will be detained and the case brought to trial without further delay.

34. The Council of Ministers recently authorized the Phnom Penh court to prosecute two former Khmer Rouge commanders in connection with the trial on 7 June 1999 of another Khmer Rouge commander for the murder of three foreigners in 1994. The two men, General Sam Bith and Colonel Chouk Rin, are currently officers in the Royal Cambodian Armed Forces. The arrest and detention, pending trial, of two other senior Khmer Rouge officials, including the movement's military commander Chhit Choeurn, alias Ta Mok, and Kaing Khek Iev, alias Duch, the former chief investigator at the political investigation centre S-21, are also positive steps.

35. The Special Representative welcomes the joint publication in June by the two major Cambodian human rights organizations, the Association des droits de l'homme et du développement (ADHOC) and LICADHO, and the United States-based Human Rights Watch, of a report entitled "Impunity in Cambodia: How human rights offenders escape justice". The report provides a thorough analysis of the root causes of impunity. He endorses its recommendations.

36. The Government's recent initiatives to reduce the number of weapons in society and the categories of officials authorized to carry weapons are timely. The success of these initiatives depend on their credibility in the eyes of the public, whose cooperation is crucial. People will surrender weapons willingly only if they believe that security personnel will effectively protect them against criminal activities. The Cambodian non-governmental organizations have monitored the process and reported abuses, provided legal advice and information on similar initiatives in other countries, and encouraged public cooperation. At the time of writing, an estimated 60,000 weapons had been collected and publicly destroyed. The Special Representative also takes note of a recent government circular prohibiting the use of weapons to keep order during strikes and demonstrations.

B. Legal proceedings against crimes committed by the Khmer Rouge

37. The Group of Experts on the crimes during the period of the Khmer Rouge rule (1975-1979) submitted its report to the Secretary-General on 22 February 1999. The mandate of the group was to evaluate the existing evidence in order to determine the nature of the crimes committed by Khmer Rouge leaders during those years; to assess the feasibility of their apprehension; and to explore legal options for bringing them to justice before an international or national jurisdiction.

38. The Group concluded that the evidence gathered to date testifies to serious crimes having been committed under both international and Cambodian law and that sufficient evidence existed to justify legal proceedings against Khmer Rouge leaders for those crimes. The crimes included crimes against humanity, genocide, war crimes, forced labour, torture, crimes against internationally protected persons, as well as crimes under Cambodian law.

39. The Group of Experts reported that the feasibility of apprehending Khmer Rouge leaders depended on the ability and the willingness of the Governments in whose territory the suspects were located to arrest or extradite them. They concluded that the Cambodian Government was able to apprehend Khmer Rouge leaders in its territory whose whereabouts were known and who were not protected physically from arrest. In his meeting with the Special Representative in November 1998, Prime Minister Hun Sen expressed the Government's willingness and readiness to apprehend any person indicted by the independent prosecutor of the tribunal. Similar expressions of willingness had been made by the Government of Thailand.

40. The Group of Experts analysed the following legal options for bringing to justice Khmer Rouge leaders: a tribunal established under Cambodian law in a domestic

court; a tribunal established by the Security Council or the General Assembly as an ad hoc international tribunal; a hybrid option of a Cambodian tribunal under United Nations administration; an international tribunal established by a multilateral treaty; and trials in third States.

41. Having considered these options, the Experts recommended that the United Nations, in response to the request of the Cambodian Government, should establish an ad hoc international tribunal to try Khmer Rouge officials for crimes against humanity and genocide committed from 17 April 1975 to 7 January 1979. They recommended that the Security Council establish the tribunal or, should it not do so, that the General Assembly establish it. They also proposed that the Prosecutor of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda serve as the Prosecutor of the new tribunal, with a deputy prosecutor specifically charged with responsibility for the Cambodian tribunal.

42. The Experts furthermore recommended that the tribunal, including the office of the Deputy Prosecutor, be established in a State in the Asian-Pacific region, but not in Cambodia; that the Prosecutor establish an investigations office in Cambodia; and that the United Nations, in cooperation with the Cambodian Government, arrange for the unfettered dissemination of the proceedings in Cambodia by radio and television.

43. They also recommended that, as a matter of prosecutorial policy, the prosecutor limit his or her investigations to those persons most responsible for the most serious violations of international human rights law. This would include senior leaders with responsibility over the abuses as well as those at lower levels who are directly implicated in the most serious atrocities. The Experts emphasized that the list of top governmental and party officials of Democratic Kampuchea may not correspond with the list of persons most responsible for serious violations of human rights in that certain top government leaders might have been removed from knowledge and decision-making while others not figuring on the chart of senior leaders might have played a significant role in the atrocities. This seemed especially true, the Experts wrote, with respect to certain leaders at the zone level, as well as officials of torture and interrogation centres such as Tuol Sleng. The Experts recommended that the Prosecutor exercise his or her discretion regarding investigations, indictments and trials so as to take fully into account the twin goals of individual accountability and national reconciliation in Cambodia.

44. Another of the recommendations was for the United Nations, in cooperation with the Cambodian Government and the non-governmental sector, to encourage a process of reflection among Cambodians to determine the desirability and, if appropriate, the modalities of a truth-telling mechanism to provide a fuller picture of the atrocities committed during the period of Democratic Kampuchea.

45. The report of the Group of Experts was conveyed to the Permanent Mission of Cambodia to the United Nations on 23 February. A first response from the Government came in a letter to the Secretary-General. It said, in part: "We have never rejected the accountability of the Khmer Rouge leaders for the crimes of genocide in Cambodia. We just want, however, to caution that any decision to bring the Khmer Rouge leaders to justice must also take into full account Cambodia's need for peace, national reconciliation, rehabilitation and economic development for poverty reduction. Therefore, if improperly and heedlessly conducted, the trials of Khmer Rouge leaders would panic other former Khmer Rouge officers and rank and file, who have already surrendered, into turning back to the jungle and renewing the guerrilla war in Cambodia" (see E/CN.4/1999/101/Add.1, para. 9).

46. The letter also said that the Government was studying the South African Truth and Reconciliation Commission as a possible model for Cambodia.

47. These points were reiterated in a meeting between Minister for Foreign Affairs and International Cooperation, Hor Nam Hong, and the Special Representative in Phnom Penh on 4 March.

48. On 6 March, Ta Mok, the former Khmer Rouge military commander of the south-west region, was arrested in northern Cambodia and brought to a detention centre in Phnom Penh.

49. The Foreign Minister met the Secretary-General in New York on 12 March. During the meeting he handed over an aide-mémoire which made reference to the fact that Democratic Kampuchea had been allowed to occupy the Cambodian seat in the United Nations until the signing of the Paris Peace Accords in 1991. It also made the point that the Khmer Rouge had been legitimized through the Accords and been seated in the Supreme National Council during the transition period.

50. The Foreign Minister told the Secretary-General that the Cambodian courts were fully competent to conduct any trial against Khmer Rouge leaders, and that such a trial would be in conformity with article 33 of the Cambodian Constitution and article VI of the Convention on the Prevention and Punishment of the Crime of Genocide. He recalled that the criminals were Cambodians, the victims

were Cambodians and the crimes were committed in Cambodia. Ta Mok would be tried in a Cambodian court under Cambodian law.

51. For submitting the report of the Group of Experts to both the General Assembly and the Security Council on 15 March, the Secretary-General expressed his own view that Khmer Rouge leaders responsible for the most serious crimes should be brought to justice and tried before a tribunal which met the international standards of justice, fairness and due process of law. Impunity was unacceptable in the face of genocide and other crimes against humanity, he stated.

52. The Secretary-General emphasized that if such standards were to be met, the tribunal must be international in character. That did not necessarily mean that it should be modelled after the existing ad hoc tribunals or linked to them; other options could be explored taking into account the analysis and conclusions of the Group of Experts. He also stressed that the success of any international tribunal presupposed the full cooperation of the Government of Cambodia.

53. The Special Representative held another meeting with Prime Minister Hun Sen on 25 March. Before the meeting another letter to the Secretary-General was published which again made reference to article 33 of the Constitution and article VI of the Genocide Convention. The letter stated that the trial of Ta Mok would be conducted at a national tribunal and that legal experts from foreign countries would be welcomed if invited by the domestic tribunal. The court would also decide on whether others would be tried in addition to Ta Mok.

54. The Special Representative mentioned during the meeting that lawyers he had consulted had interpreted Article 33 of the Constitution differently: in their view it appeared not to prohibit cooperation with an international tribunal outside Cambodia. The full article reads: "Cambodian nationals shall not be deprived of their Cambodian nationality, exiled or arrested and extradited to any foreign country unless there is a mutual agreement". The Special Representative suggested that such mutual agreement would not be a problem if an international tribunal was properly established and the Cambodian authorities were actively involved.

55. Prime Minister Hun Sen stated that there would be no international tribunal, outside or within Cambodia, and that Cambodian law did not allow for the participation of foreigners as judges or prosecutors. Advisers from some countries might be accepted; it would be up to the prosecutor to decide.

56. The issue of a trial in respect of the Khmer Rouge crimes also came up during the fifty-fifth session of the Commission on Human Rights in Geneva. In resolution 1999/76 on the situation of human rights in Cambodia the Commission took note with appreciation of the report of the Group of Experts and strongly appealed to the Government of Cambodia to take all necessary measures to ensure that those who were most responsible for the most serious violations of human rights were brought to account in accordance with the international standards of justice, fairness and due process of law. The Commission also encouraged the Government of Cambodia and the international community to continue to cooperate for this purpose.

57. The Prime Minister wrote to the Secretary-General on 28 April 1999 explaining that though the trial of Ta Mok, and possibly others, would take place in an existing national court, foreign judges and prosecutors would be invited to take full part in the trial in order to ensure that it met international standards of due process. A draft law would be submitted for approval to the Cambodian National Assembly allowing foreign judges and prosecutors to take part in the proceedings.

58. This position on a "mixed" tribunal developed during the following weeks. In a meeting with the Special Representative on 18 May 1999, the Prime Minister raised the issue of the mechanism for appointing foreign judges and prosecutors. He asked whether it would be possible for the Secretary-General to make such appointments. The Special Representative emphasized that any involvement by the United Nations would depend on whether there were full guarantees that the international standards of justice, fairness and due process would be respected. The enabling legislation to be drafted and adopted for this purpose would have to address the concerns expressed by the Secretary-General in his letter to the General Assembly and the Security Council.

59. The Special Representative noted that the report of the Group of Experts gave important guidance as to the characteristics of the required legislation both in relation to the substantive law and the procedural aspects. Relevant international standards had to be incorporated and the applicability of the domestic legislation relevant at the time should be clarified. Concerning the procedural aspects there would be a need to clarify, for instance, the steps to be taken to ensure that the tribunal was protected against undue pressure; that arrangements for the arrest of the persons indicted were satisfactory; requirements for the assessment of evidence; the procedures for appeal; that the mechanism for the appointment of the judges, prosecutors and other

professional staff were satisfactory; as well as issues relating to the organization and funding of the tribunal.

60. The Prime Minister stated that it would be very appropriate that experts should assist Cambodia in the drafting of the legislation to ensure that it met the necessary requirements according to the international standards. The Special Representative undertook to convey this message to the United Nations Secretariat and to propose that such expertise be provided. Any further involvement by the United Nations after the drafting would depend on whether there was agreement on the inclusion of guarantees that appropriate international standards would be respected.

61. The Prime Minister emphasized that he wanted the highest standards to be applied at these trials and welcomed international assistance for this purpose. He also stressed that time was short and that there were limitations in Cambodia on the length of pre-trial detention. Also, in view of the age of the defendants it was essential that the trials should take place as soon as possible. He welcomed cooperation with the United Nations in this endeavour. This position was confirmed in meetings the Special Representative had with other ministers, including the Deputy Prime Minister and co-Minister of the Interior and the Minister of Justice. The President of the National Assembly, Prince Ranariddh, expressed his full support for the idea that a tribunal which was international in character be organized in Cambodia and that, for that purpose, the international standards should be clarified and incorporated into the legislation which was to be drafted.

62. The Special Representative reported on these developments at meetings at the United Nations Secretariat held on 24 May and 10 June. The Office of Legal Affairs undertook to analyse the legal requirements in relation to a "mixed" tribunal. Progress in this undertaking was reported to the Permanent Mission of Cambodia to the United Nations on 28 July and to members of the Security Council on 30 July. A mission led by the Assistant Secretary-General for Legal Affairs arrived in Phnom Penh on 25 August to hold discussions with the Government of Cambodia on the legal and practical aspects of establishing under Cambodian law a mixed tribunal, with the participation of international judges and prosecutors, to prosecute the Khmer Rouge leaders responsible for the most serious crimes committed during the period 1975-1979.

C. The rule of law and the functioning of the judiciary

63. The Special Representative welcomes the work being undertaken by the Ministry of Justice on the draft Code of Criminal Procedure, the draft Statute of Magistrates and the Statute on Court Clerks, all of which are essential for the proper functioning of the judiciary. The Special Representative notes, however, that the Supreme Council of Magistracy has been convened only once since it was established in 1994. It is essential that the Supreme Council of the Magistracy should meet regularly on disciplinary and other administrative cases, in order to take appropriate measures against judges and prosecutors who are found to be incapable of performing their duties whether for ethical reasons or for lack of competence. While the salaries of judges and prosecutors, together with those of court clerks, have been slightly increased by recent government decision, a further increase is necessary to provide the basic minimum necessary to sustain a reasonable standard of living.

64. The Special Representative has reported in the past on the lack of cooperation from and cases of actual interference with court activities by various authorities. These problems continue. In Kampot Province, the gendarmerie has not enforced four arrest warrants against the chief and a member of a village militia, the village chief, and a villager allegedly involved in the murder of an 18-year-old man. The gendarmerie could not enforce the warrants because of protests from officials in Kampot Province. The Cambodia Office has been following developments in the case of the brothel owner in Banteay Meanchey who beat a young woman to death in front of a number of witnesses, against whom charges have in effect been dropped. The Office has learned that the brothel owner has now opened another brothel and that, despite instructions received from Phnom Penh, the court has so far failed to reopen the investigation into the case. The Special Representative understands that the brothel owner has close connections with both the civilian and the military authorities in the province. The Special Representative calls again for the reopening of this case.

65. The Special Representative is concerned about the confusion in interpretation of the respective jurisdiction of civilian and military courts. Under Cambodian law, only current military personnel who commit offences against military discipline or property may be tried by the Military Tribunal. In Kampong Cham, however, two civilians were arrested by district police for "illegal army recruitment" on 13 May 1999. The two individuals were transferred on 14 May to the provincial police, who brought them to the

provincial gendarmes on the same day. The provincial gendarmes transferred the two to the Military Tribunal on 17 May 1999. The two individuals were released by the Military Tribunal on 7 June 1999, reportedly after paying bribes for their release.

66. Equally of concern to the Special Representative is a case of abuse of power by a court official. In May 1999 the prosecutor of the Sihanoukville Municipal Court ordered the arrest of a lawyer who was representing his clients when a civil judgement was being enforced against them. During the enforcement, the lawyer requested that the prosecutor follow the procedures set out in the law. The prosecutor reacted to the lawyer's insistence on procedure by shouting at him, and ordering a mixed force of police and gendarmerie to take him away. The gendarmerie video-taped the proceedings, and the video does not reveal any misbehaviour on the part of the lawyer. The lawyer was detained for 24 hours before he was released after the intervention of the Ministry of Justice and the Bar Association.

67. The problem of excessive pre-trial detention continues. Information reported to the Special Representative shows that at the end of May 1999, 35 persons in T-3 prison in Phnom Penh had been detained without trial over the allowed six-month period. Eleven persons detained in the Judiciary Police (PJ) prison in Phnom Penh are in a similar situation. In Ratanakiri Province, five persons had been detained without trial for over six months; three of the five had been in detention for over one year. The Special Representative has been informed that a working group has been established in the Ministry of Justice to investigate this problem. He urges the Ministry of Justice, together with the judiciary, to come up with solutions both to existing cases and to the problem as a whole.

68. For humanitarian reasons, the Special Representative welcomes the amnesty granted in April 1999 to Chao Sokhon, whose case has been mentioned in previous reports. He notes that Mr. Heng Kim Y, whose case was also described in earlier reports, was allowed to leave prison in May to seek medical treatment and has since left the country. The Special Representative, however, is gravely concerned by delays in the processing of amnesties for prisoners suffering from AIDS. In February 1999, His Majesty the King, through the Prime Minister, urged the Ministry of Justice to prepare the release of seven prisoners in the last stages of AIDS. In July, orders of release were prepared for these seven and for one additional HIV-positive prisoner. Two of the prisoners were not released until August. One prisoner was killed during the June mass escape from the prison in Sihanoukville. The Special Representative strongly urges the Ministry of Justice to expedite the processing of these cases, and to put in place procedures to deal with cases of this sort as they arise.

69. The Special Representative welcomes the Prime Minister's statement in February at the Consultative Group meeting in Tokyo recognizing the importance of bona fide non-governmental organizations cooperating with the Government to improve the protection of fundamental rights. However, the trial in July of two LICADHO staff members in Sihanoukville has given rise to grave concerns about the ability of these NGOs to operate. These concerns have been expressed repeatedly, in writing and orally, by the Special Representative to the Prime Minister, the King and senior ministers since the beginning of the year. The Special Representative therefore welcomes the dismissal of all charges against the two LICADHO staff and eight other defendants in Sihanoukville. The two human rights workers were arrested in December 1998 in connection with a popular protest, which turned violent, against the secret import and dumping by local authorities of industrial toxic waste. They were accused of leading an unlawful demonstration and incitement to violence. Several serious breaches of procedure in the handling of the case by the court were detailed by the Special Representative in a letter dated 14 June addressed to His Majesty the King in his capacity as Chairman of the Supreme Council of the Magistracy. During the three-day trial, no evidence was produced by the prosecution which revealed the involvement of the LICADHO staff in the demonstrations. Many prosecution witnesses failed to appear, despite being summoned by the court on two occasions. On 21 July 1999, the representative of the private complainant and the prosecutor both stated that there was no evidence to convict any of the defendants. The prosecutor asked for the dismissal of the charges, and the trial judge decided to release the defendants immediately.

D. Protection against torture

70. Persons arrested by policemen or gendarmes for suspected criminal or political offences continue to be tortured to extract "confessions" which too often form the primary evidentiary basis for judicial prosecution. Research by Cambodian human rights non-governmental organizations reveals that many persons taken into custody are tortured to extract confessions. This problem has been analysed in detail in past reports by the Special Representative who has regularly raised it with relevant security, administrative and judicial authorities at all levels since 1994. The problem has been acknowledged for several years by the Ministry of

Justice which has been actively encouraging prosecutors and investigating judges to reject police evidence based on forced confessions, to prosecute interrogators who have tortured detainees and to seek cooperation from the National Police, the Royal Gendarmerie and the Ministry of the Interior to bring to justice those responsible for torture. These efforts have had limited effect largely because of the reluctance of the police and gendarmerie hierarchies to cooperate with courts in cases involving subordinates responsible for torture.

71. In June 1997 the Special Representative presented to the Government a report documenting 32 instances of torture in Battambang. Despite pledges by the Director of the National Police to investigate the matter and take action, continued monitoring of detainees interrogated in the same police station since June 1997 shows that torture has continued to occur. The past and recent evidence of torture in Battambang was discussed by the Special Representative with police and court officials in Battambang and in Phnom Penh in May 1999. In a meeting with the Special Representative in May, the Director of the National Police renewed his previous pledges to issue strict instructions to prohibit abuses of power by police interrogators and to take firm disciplinary measures against violators. He invited the Special Representative to bring to his attention evidence of torture and other abuses of power by policemen and assigned a team of investigators who went to Battambang in June. The team met police officers and interviewed prisoners who had complained of torture. These interviews took place in the presence of Cambodia Office staff. The report on the team's findings has not yet been made available to the Office. Within the framework of the current efforts by the Government to reform the police and the judiciary, measures to curb torture were discussed with the police in May 1999 by two experts provided by OHCHR, Mr. Arun Bhagat, former head of the Federal Bureau of Investigations of India, and Mr. Eduardo Vetere, former head of the United Nations Criminal Justice Branch of the United Nations Office at Vienna.

E. Prison conditions

72. COHCHR has paid regular or occasional visits to most of the prisons in Cambodia during the period under review. The Special Representative learned with interest of the setting up, by the Cambodian Human Rights Committee and the Ministry of the Interior, of commissions to visit and inspect prisons, and has shared with these authorities the results of the COHCHR prison visits. The prison population has increased significantly since 1997 and many prisons face problems of overcrowding. Several prison directors have submitted requests to the Prison Department for the transfer of prisoners to T-5, a prison in which long-term prisoners are accommodated, but these requests are rarely granted. In many prisons, the prisoners' right to be in the open air for at least one hour each day is not respected. The prison directors claim that they cannot respect it because of inadequate security arrangements (lack of guards and the poor state of the buildings). Prison officials in many prisons ask visitors — family or friends — to pay for each visit to prison. This practice violates the national Prison Procedures and the Standard Minimum Rules for the Treatment of Prisoners. The Ministry of the Interior should take appropriate steps to address these problems.

73. The previously reported problem of delayed and insufficient provision from the government budget of funds for prison necessities, including for food and other operational costs, continues. Since 1994, the daily allowance for food and firewood for each prisoner has remained at 1,000 riels despite the increase in food prices. In practice, this amount of money, while supposedly allocated to feed prisoners, is also used to cover other expenses, including transportation, electricity, water, etc. The actual amount spent on food in many prisons is estimated to be as low as 500 riels per day per prisoner. During 1996 and 1997, as a result of an emergency in some of Cambodia's prisons and at the request of COHCHR, the World Food Programme (WFP) started to supply food on an emergency basis to selected prisons. During 1998 and 1999, WFP has continued to provide high-protein biscuits for nutritional supplementation, donated by Care International and the Government of Norway. This operation can only be regarded as a temporary solution to the problem, which must be addressed by the Government.

74. The quality of medical care provided to inmates varies considerably from one prison to another. There is in general a need to create infirmaries with well-trained nurses and adequate supplies of equipment and medicines. In accordance with international human rights standards, prisoners who require specialist treatment must be transferred to a specialized institution or to a civilian hospital. In general, sick prisoners are taken to hospital far too late. Most prison chiefs are, owing to financial problems and lack of prison guards, reluctant or unable to carry out such transfers in time. It is suspected that the deaths of several prisoners in recent years could have been avoided if the prisoners had been brought to the hospital in time and provided with adequate medical care. Several provincial hospitals have reportedly refused to admit sick prisoners.

Procedures for dealing with prisoners with mental problems must be developed and the roles of the Ministry of Health and the Ministry of the Interior regarding transfers and treatment of sick prisoners must be clarified.

75. The number of prisoners with HIV/AIDS is certain to grow during the coming years. It is therefore essential for the Ministries of Health, the Interior and Justice to create policies and procedures for dealing with prisoners who are HIV-positive or suffering from AIDS. Four prisoners with AIDS are known to have died in prison so far in 1999. Ad hoc recourse to royal amnesties granted on humanitarian grounds, while relieving the situation of certain individuals, does not adequately respond to the situation.

76. On 17 June 1999, 35 prisoners escaped from Sihanoukville prison; 18 were recaptured and 3 were killed by police during the recapture. There is strong evidence to suggest that two of the three prisoners were executed by prison officers after their recapture. The Ministry of the Interior has ordered that a full investigation be conducted into the circumstances of these deaths. Most of the recaptured escapees were subjected to torture or maltreatment by military police or prison guards. At least 10 of them were also chained and handcuffed. On 4 July 1999, seven prisoners escaped from T-3 prison in Phnom Penh. The details of the escape are not yet known. In Kampong Chhnang Province on the same date, 12 prisoners escaped from the prison by sawing through the iron bars. One prisoner was recaptured on the same day and another was recaptured on 17 July. He was tortured by prison guards.

77. The problem of the detention of children under the age of 13 in prisons and detention facilities continues. The Special Representative is aware of a recent case in Battambang where a boy, aged 12, was detained for 26 hours in a police station. In another case in Sihanoukville, a 12-year-old girl and a boy of the same age were detained for 17 and 19 days respectively in the provincial prison, in cells with adult prisoners.

78. The problem of the detention and imprisonment of children aged 13 to 18 years within the adult prison population continues. During July, visits to prisons by COHCHR discovered five male detainees aged between 13 and 17 sharing cells in Sihanoukville prison with adult convicts.

79. Under the law, convicted persons who have served half of their prison term (for a misdemeanour) or two thirds of their term (for a crime) may enjoy conditional release. This measure should be applied in order to limit the personal and social damage caused by imprisonment, and as a step towards the rehabilitation of the prisoner in society. Application of this measure would also contribute to reducing the number of prisoners.

80. The legal right of prisoners to appeal decisions of the courts of first instance to the Appeal Court in Phnom Penh is in practice seriously restricted by the fact that they have to pay for transportation and for the per diem of escorting prison officials. The Ministry of Justice and Ministry of the Interior must urgently address this serious violation of a prisoner's right to have a conviction and sentence reviewed by a higher court.

81. The Special Representative welcomes the recently adopted Proclamation on Administration of Prisons and the Prison Procedures, developed by the Ministry of the Interior in cooperation with the Cambodian Criminal Justice Assistance Project (CCJAP). If effectively implemented, the procedures could considerably improve prison conditions. The Special Representative notes with appreciation the significant achievements of the Australian-funded CCJAP, which has renovated or rebuilt prisons and courts in five provinces, provided training to all Cambodian prison directors, and promoted health care and food production projects in prisons. The good cooperation between the project, the Ministry of the Interior and prison directors and staff has brought about significant improvements, especially in those provinces where project activities have been concentrated. The Special Representative encourages other donors to examine the achievements of the CCJAP with a view to supporting similar activities in other provinces.

F. Right to education

82. The right to education is recognized in the International Covenant on Economic, Social and Cultural Rights and other international treaties such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

83. More than 22 per cent of the population aged 6-11 remain outside school. Net enrolment in remote provinces is less than 50 per cent. Both drop-out and repetition rates are extremely high, and the Special Representative notes with interest the forthcoming UNICEF study on the causes, consequences and costs of repetition. Access to education is constrained by the fact that only half of Cambodia's primary schools provide the complete cycle of six years, and by severely limited hours of instruction. Although the 1996 draft curriculum is based on 30 class periods per week for all primary grades, a recent timetable reduces this to 25 periods per week. This is further reduced by shift systems

owing to shortage of classrooms, a large number of official holidays and closures for other reasons. As a result, children receive an estimated average of 500 hours' instruction each year, about 50 per cent less than international norms.

84. Recent initiatives have put in place curricula for primary education which help children to achieve basic literacy and the practical knowledge needed for everyday life, rather than favouring a theoretical and academic approach. These need to be supported by the retraining of teachers in the new methodologies required to implement the new curricula. While some children with disabilities have access to education, others face exclusion arising from financial constraints, transport difficulties, physical access to school buildings, family attitudes and cultural attitudes. Efforts should be made to overcome prejudice against children with disabilities, on the part of parents who believe that such children should be kept hidden away, and of teachers who think that they should be educated only in segregated facilities.

85. Educational indicators reveal large gender disparities in enrolment and drop-out rates. Girls fall behind boys in enrolment after the age of 10, and a larger percentage of girls drop out of school in all grades. Less than 20 per cent of those in higher education are girls. Adult literacy rates also show that women are disadvantaged relative to men. The literacy rate for women is 55 per cent while for men it is 79 per cent; in fact, rates for both men and women may be lower than those generally quoted. According to a 1996 survey, the literacy rate is significantly lower among people aged under 35 than among older people. Since this age group includes many parents of children of primary school age, this is of particular concern. Parents who themselves have a low level of education may not regard the schooling of their children as a priority, preferring to keep them at home for domestic or agricultural labour. The Special Representative welcomes the forthcoming study on adult literacy which UNESCO will conduct with the Ministry of Education. This will assess the level of functional literacy in a random sample of 6,000 people over the age of 15. The survey, based on actual testing of literacy rather than self-assessment, will help in the design of remedial programmes for adults and in the development of primary education programmes which will address the fundamental need of all children for literacy.

86. Low levels of literacy and education, especially among women, are obstacles to ensuring other rights, especially the right to health. Studies have shown that women with primary and post-primary schooling are much more likely to utilize preventive health services such as vaccinations for their children. Low levels of education also adversely affect people's capacity to participate in public affairs and ensure that their rights are protected.

87. A de facto privatization of education services is taking place, accompanied by a diversion of resources away from the public sector. In Phnom Penh and in provincial capitals, more and more private tutoring is taking place, mostly carried out by teachers and often on school premises. This additional source of revenue supplements the meagre salaries of teachers who are thus able to avoid leaving the profession altogether, and students whose parents have the financial means manage to make up the hours of tuition which the regular system cannot supply. However, parents in effect often have no choice but to pay for teaching which should normally be available free of charge to their children, placing those who cannot pay at a serious disadvantage. The Ministry of Education lacks the resources to monitor the quality or the content of the instruction provided, whether through the public system or through private tutoring.

88. The share of government expenditure on education remains extremely low, amounting to less than 1 per cent of the gross national product (GNP) in 1998. About 60 per cent of the costs of education continue to be borne by parents, with external aid, NGOs and politicians contributing a further 27 per cent and the government contributing only about 13 per cent. The Special Representative notes that about 32 per cent of the 1999 budget allocated to education had been disbursed by the end of May, and encourages the Government to ensure that the entirety of the allocation is in fact disbursed. He notes, however, that the sum allocated to education in 1999 is less than one third of that allocated to security and defence, despite the fact that Cambodia is now internally at peace and faces no perceptible external threat to its security.

89. The Special Representative calls on donors to continue to coordinate their essential assistance to education in the coming years, and to work together with the Government to ensure that the significance of education in overall national development is recognized through appropriate budgetary provision. In this regard, the Special Representative welcomes the recent establishment of a working group on social sectors as part of the follow-up to the February 1999 Consultative Group meeting. The work of this group will enable the monitoring of progress in the health and education sectors and ensure effective linkages with other aspects of the Government's reform programme, especially fiscal reform and reform of the public administration.

G. Right to health

90. Article 12 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Other conventions to which Cambodia is a signatory, especially the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women also emphasize the right to health of women and children. The core elements of the right to health are generally accepted to be non-discrimination, accessibility, prevention, health protection including emergency care, the granting of special attention to vulnerable groups and the right to make free and informed choices on health issues. Measures which should be taken to ensure the right to health are understood to be effective administration of available resources to improve health, establishment of health policies with an emphasis on prevention, increased primary health care, special attention to the health needs of the most vulnerable and free health care for the most economically disadvantaged.

91. Progress has been made in recent years to strengthen the Cambodian health services and the population's access to health care. However, the general health status of the people of Cambodia remains far from satisfactory. Although rates of infant, child and maternal mortality have fallen, all three remain among the highest in the region. The maternal mortality rate is just under 500 per 100,000 live births, and each year 2,000 women die as a result of pregnancy or childbirth. The Special Representative draws attention to the need for intensive action to address the large number of maternal deaths.

92. The Programme of Action of the 1994 International Conference on Population and Development recognizes the rights of couples and individuals to decide freely and responsibly the number and spacing of their children and to attain the highest standards of sexual and reproductive health. Despite an increase in the number of couples using contraception, the adoption of an abortion law and efforts to improve treatment and prevention of sexually transmitted diseases and safe motherhood services, Cambodians still have limited access to information and services which would enable them to exercise their reproductive rights. The reproductive health status of women is poor with limited access to good quality antenatal services, safe delivery and emergency obstetrical care. There is a high unmet need for birth spacing, a high prevalence of sexually transmitted diseases and HIV/AIDS, and a low rate of births attended by trained personnel.

93. Estimates in 1998 put the infant mortality rate at 89.4 per 1,000 live births. Although this is a significant improvement over the 1993 rate of 115 per 1,000, it should be compared with a regional average of 36 per 1,000. Cambodian children continue to suffer an overwhelming burden of acute respiratory infections, diarrhoea and vaccine-preventable diseases. Low levels of education among parents limit their understanding of the importance of preventive health care and restrict their economic potential for improving family health. With over 50 per cent of Cambodian children malnourished and stunting and wasting widespread, the physical and mental capacity of children to participate fully in the development of Cambodia is jeopardized.

94. Among adults malaria and tuberculosis are the leading causes of illness, with tuberculosis becoming more of a threat as the HIV/AIDS epidemic continues to spread. With an estimated 180,000 HIV-positive people in the country, Cambodia is the most vulnerable country in the region. Women and young people are particularly vulnerable to HIV/AIDS for both clinical and social reasons. Gender relations and cultural norms make it difficult for women to negotiate safer sex, while sanctioning risk behaviour by men. The power relations implicit in commercial sex are particularly conducive to the spread of HIV. The costs of caring for people with AIDS will put an increasing strain on health services as well as on individual households.

95. Although both children and adults of minority groups should receive special attention in the provision of health services, many in fact face greater problems than those of the majority population. As well as their geographical isolation, their access to health services is constrained by the lack of qualified personnel familiar with their cultures and languages and by their own lack of awareness of the importance of health care. Mental illness is believed to be widespread among the general population, although little is known about its scope or its effects on victims and their families and communities and there is little capacity to provide appropriate treatment. The Special Representative stresses the need to collect data on mental illness and to establish appropriate preventive and curative responses.

96. Access to the affordable, good quality health care which the right to health implies is extremely limited for most of the population. Actual per capita health expenditure for 1998 is estimated to amount to about $26.50, of which $20 (75 per cent) is household spending, with $5.50 provided by donors, including NGOs, and $1 coming from the Government. The amount provided by households is out of all proportion to their income: in 1996, households with incomes of less than $15 per month spent 28 per cent of their

incomes on health care and 45 per cent of households had to borrow money to pay for in-patient care.

97. The Special Representative notes with concern the connection between the low quality and high cost of health care and the general impoverishment of the population, in particular the frequency with which the poor are obliged to go into debt to pay for health services. Through the combined efforts of Government and donors, more than 300 of a planned total of over 900 health care centres are already in place. However, uncertainties about the cost and quality of services provided through the public health system result in an estimated 65 per cent of people using private facilities, in most cases pharmacies, in the first instance. All too often, the human and material resources at these private facilities are diverted from the public health care system, further diminishing the quality of care.

98. Low salaries and lack of training demotivate public health system workers, with strongly negative effects on the service provided to the population. In some instances, people unable to pay for treatment in public health facilities have been refused treatment, even when their condition merits emergency attention. The Special Representative calls for such refusal to treat, as well as other forms of negligence and malpractice, to be appropriately sanctioned through the enforcement of existing regulations and disciplinary codes and through the judicial system. He calls on professional associations to create and uphold codes of practice, and welcomes the inclusion of ethics teaching in training programmes for health staff. Rapid de facto privatization of the health sector requires strong regulatory systems to be put in place, and the Special Representative hopes that the donor community will reinforce its support to initiatives in this area. Clearly, all efforts for the reform of the health system and its regulatory and resource framework need to be placed in the context of overall national programmes for the reform of public administration if they are to be viable.

99. The Special Representative takes note of the health priorities for 1999-2003 as identified by the Royal Government of Cambodia, and welcomes the emphasis on universal access to health services with community participation, on the promotion of healthy life styles, and on the special needs of women and children. He further commends the Government's setting of specific health targets for the future and its commitment to increase the health sector's share of the gross domestic product (GDP) to 2 per cent by 2002 from its 1998 level of 0.35 per cent. Aware of the difficulties which will be encountered in meeting these targets, he encourages all donors, whether intergovernmental, governmental or non-governmental, to continue their extensive and essential support, to increase their coordination and to maintain their contribution to existing plans for at least the next five to ten years. He commends the joint efforts by the Government and its partners to promote alternative approaches to health financing, especially where communities are themselves involved in managing and monitoring the health services provided to them. The Special Representative emphasizes the need for such approaches to uphold the right of the poorest groups to free medical services.

100. The Special Representative draws attention to the need for the effective administration of available resources to improve health. He notes that low levels of disbursement, especially at the local level, continue to erode the already modest share of the national budget allocated to the health sector, and draws attention to the fact that the gap between the budget allocated and actual expenditure is highest for the operating expenses of rural health services, crucial for the well-being of the population. He notes that in 1999, the Government estimates that $125 million will be required to support its health services; however, only $71 million (43 per cent) will be available from all sources (including loans) according to recent estimates. He calls on the international community to continue to advocate for significant increases in allocations to the health sector, and to work with the Government to ensure that the needs of this priority area are fully taken into account in the fiscal and administrative reform programmes to which the Government has committed itself.

H. Measures against sexual exploitation

101. The Special Representative continues to be concerned about the sexual exploitation of women and children in Cambodia and welcomes the Five-Year National Plan against Child Sexual Exploitation in Cambodia launched by the Cambodian Government in July 1999. The plan, resulting from the participation of the Government in the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996, has been prepared by the Cambodian National Council for Children (CNCC), in consultation with all relevant ministries, international organizations and non-governmental agencies. The plan sets out four areas where intervention is needed to combat the problem: prevention through information, protection through law enforcement, recovery and reintegration of victims. While many agencies are ready to provide financial and technical assistance to implement this plan, these efforts will be useless without a strong commitment from the highest level of Government, and the Special Representative

encourages the Government to ensure that the necessary law enforcement and other measures are taken in support of the plan.

102. In 1999, ADHOC, a well-established Cambodian non-governmental human rights organization, conducted a study on the causes of prostitution based on a survey of almost 800 prostitutes. About 40 per cent of those interviewed were between 15 and 19 years of age. The study showed that about three quarters of the women and girls who work as prostitutes do so on a voluntary basis, while about one quarter have been forced to work as prostitutes or have been deceived into prostitution. The survey indicates that there was more involuntary prostitution among the younger age group. Special measures are needed to prevent any minor entering prostitution, whether voluntarily or involuntarily. The study recommends that the Government should address the two forms of prostitution ("voluntary" and "involuntary") in different manners. Economic measures should be taken to address voluntary prostitution stemming from economic causes and administrative measures should be applied to address involuntary prostitution. Administrative measures, such as recent action to close down brothels, do not assist women who work on a voluntary basis since their need to work remains. Recent crackdowns have had negative effects on the prostitutes who work voluntarily including an increase in extortion, decreased income and increased problems in controlling sexually transmitted diseases. The Special Representative strongly supports legal regulation of voluntary prostitution and the operation of brothels to ensure that the economic, social and civil rights of those working in prostitution are protected. All forms of involuntary prostitution and child prostitution should be energetically suppressed by law enforcement officials. Traffickers, pimps and others who force women into prostitution must be prosecuted and condemned according to the law.

I. Other rights of the child

103. The Cambodia Office continues to receive information about arbitrary arrests by the police of street families and street children. Police involved have stated that these arrests were made in order to "... clean the city so that foreigners do not see the poor people in the streets". Under Cambodian law there are no legal grounds for arresting and detaining people who are not suspected of any punishable illegal act. The law further states that no one may be detained except for offences set out in applicable law. Administrative detention is not permitted. In December 1998 the Cambodia Office expressed its serious concern over the practice of detaining homeless people and the conditions in which homeless people were being detained at a holding centre at Pun Phum in Phnom Penh. In February 1999 the Director of Inspection of Phnom Penh Social Affairs-Vocational Training and Youth Rehabilitation was instructed to stop sending street people to the Pun Phum centre. One month later a new inter-ministerial commission was established with a mandate to collect all vagabonds in Phnom Penh and send them back to live in their home provinces. However, the commission has been facing financial difficulties and has not yet carried out the tasks given to it.

104. The Special Representative is following with attention the situation of under-age soldiers and other soldiers who may have been recruited when they were under 18, in the context of current plans for the extensive demobilization of RCAF elements. The Cambodian Veterans Assistance Programme (CVAP) as it is designed at present makes no special provision for this vulnerable category, who have been deprived during their childhood of their normal rights and are poorly prepared for reinsertion into civilian life. While there are good indications that the process of registration prior to demobilization includes adult soldiers who joined the army when they were under 18, there is no provision for the identification of soldiers currently under age, effectively excluding them from the potential benefits of demobilization and reinsertion programmes. However, the Special Representative welcomes the statement of the Government in June indicating its willingness to study and prepare a plan to help children and under-age soldiers, in cooperation with UNICEF and other concerned organizations.

105. At present there is no law on adoptions, whether domestic or inter-country, in Cambodia. The Special Representative welcomes the draft law on inter-country adoption initiated by the Ministry of Social Affairs and prepared in cooperation with UNICEF and COHCHR. Any such law should have the best interests of the child as its central concern, and the Special Representative notes that the draft law takes its inspiration from the Convention on the Rights of the Child and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The Special Representative encourages the Government to consider ratification of the Hague Convention to safeguard further the rights of children in inter-country adoptions.

J. Rights of ethnic minorities

106. The Special Representative has continued to receive reports of problems and difficulties faced by the ethnic Vietnamese community. The most serious incidents involved five separate grenade attacks against cafés and a residence owned by ethnic Vietnamese in one district in Phnom Penh in February and March 1999. One person was killed and approximately 30 were injured. The motive for the attacks has not been fully established, but a number of the victims believe that they were racially motivated. According to other reports, ethnic Vietnamese are often the targets of harassment by the security forces to extort money or to confiscate personal documents including Khmer identity cards.

107. The Special Representative has also been informed that some ethnic Vietnamese born in Cambodia and who had the necessary documentation were deprived of the right to vote in the national elections of 1998. The extent of this denial is not clear but a number of such people were interviewed and gave similar accounts of being prevented from voting. In some instances, officials at registration offices informed ethnic Vietnamese that they could not vote and confiscated their registration cards. Some names which appeared to be Vietnamese in origin were crossed off the voter registration list in some polling stations. The Special Representative recommends that for all future elections, including the upcoming communal elections, special measures should be put in place to ensure that all ethnic minorities are guaranteed their right to vote.

K. Rights of indigenous people

108. As a follow-up to the visit of the Special Representative to Ratanakiri in January 1999, three additional visits were made by COHCHR staff to the province in May, June and July 1999. The focus of the visits was the situation of indigenous people, particularly in relation to access to land, forestry and logging.

109. The holding of a seminar in Ratanakiri in late May on the land security needs of highland minorities was a good step towards understanding the special needs of indigenous people. This seminar was co-sponsored by the UNDP Cambodian Area Rehabilitation and Regeneration Project (CARERE) and the NGO Non-Timber Forest Products (NTFP) and was attended in by provincial and national officials. The Special Representative encourages the Government to consider the inclusion of a section on the respect and protection of indigenous people's rights, particularly with regard to access to and communal ownership of traditional lands and the continuation of their traditional means of land use and cultivation, in the new draft Land Law.

110. A logging concession covering 60,000 hectares of land in Ratanakiri was granted to the Hero Taiwan Company in 1998. It affects 10 communes and some 68 villages in the province. The concession was granted without prior consultation with the affected communities or their chosen representatives. The villagers reportedly learned of the concession only in March 1999, when road building equipment appeared. In Poey commune villagers prevented the company's equipment from operating. On 11 May 1999, a representative of the Hero company, together with a district governor, two representatives from the Forestry Department in Phnom Penh, three armed district police and one armed gendarme met with the village chiefs of Svay, Khmeing and Santouk villages. At this meeting, the villagers were intimidated into putting their thumbprints on an agreement which would allow the company to log.

111. The Special Representative is encouraged by the meeting between the Provincial Rural Development Committee's Executive Committee (which includes the governor and the first deputy governor) and various NGOs on 14 May 1999 regarding the forced signings. The Special Representative urges the provincial government of Ratanakiri to establish and convene a neutral working group to investigate the incidents of forced signings, as it pledged to do during the meeting.

112. The Special Representative also welcomes the holding of a seminar on the Hero concession sponsored by the provincial government and attended by representatives of the villages affected by the concession in July. The Special Representative urges that before any further logging by the Hero Taiwan Company in Ratanakiri takes place, a full participatory process and a detailed mapping of the areas important to the indigenous communities in Ratanakiri be conducted.

113. On 6 and 7 July, 14 ethnic minority villagers, 13 Jarai and one Vietnamese, were captured and brutally killed in O'Ydauv district, Ratanakiri province. The Office's investigation confirmed that the killings were perpetrated by a group of 11 armed bandits who had entered Ratanakiri from Mondulkiri. The motive of the killers is as yet unclear; however, it appears they targeted the villages of Lom and Ten. Provincial authorities have to date not responded to requests from those villages for protection.

L. Labour rights

114. The Special Representative is concerned at the situation of Cambodian women migrant workers currently being sent to Malaysia and he discussed these concerns with the Minister of Women's Affairs and Veterans as well as with the Minister of Labour during his May 1999 visit. The Special Representative has received information that many women are unaware of the contents of their labour contracts and do not have copies of their contracts. In some cases, employers and employment agencies do not abide by the terms of the labour contracts or have actually abused the women workers mentally and physically. At present, mechanisms to assist the workers whose contractual and other rights are violated are inadequate. The Special Representative proposes that the concerned ministries and the labour recruitment companies cooperate to design and implement appropriate safeguards, working closely with the Governments of receiving countries.

115. The Special Representative continues to be concerned by the number of labour rights violations regularly reported in Cambodia. The most common violations include: forced overtime without pay; loss of pay or job for refusing to work overtime; no rest days and being required to work on national holidays; fines for taking rest days; dismissal without cause and compensation; garment factory workers not receiving their minimum monthly wage of US$ 40. Other reported violations are unsatisfactory working environments, and dismissals and serious threats against union or workers' representatives, as well as efforts by management to influence trade unions. The Special Representative recommends that labour inspectors and other relevant officials of the Government vigorously enforce the labour code and ensure that its provisions are known and respected by owners, managers and workers alike.

116. The municipal authorities in Phnom Penh did not allow workers to hold a labour demonstration on 1 May 1999. The reason given was that the demonstration could not be "controlled". However, after some obstruction by security forces, a large number of workers marched to the National Assembly in a peaceful demonstration. Workers living outside of Phnom Penh and wanting to participate in the march were reportedly blocked by security forces. The Special Representative regrets these infringements on the right to peaceful demonstration.

IV. Implementation of recommendations

117. The Special Representative has in previous reports made a number of recommendations on how the human rights situation in Cambodia might be improved. The major suggestions have been reflected in the General Assembly and Commission resolutions on Cambodia. They have concerned particular problems requiring government intervention, such as the prevention of extrajudicial executions, as well as the need for legal and structural reforms to enhance the protection and promotion of rights.

118. Some progress has been made, especially in regard to the recognition of the problems and their true nature. However, some major structural problems in the human rights field still remain. Also, the investigations into politically motivated crimes have not been conducted with sufficient vigour and determination and this continues to be a major concern of the Special Representative. The fact that a number of killings with political connotations remain unclarified contributes to the persistent "culture" of impunity.

119. The Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights, held a discussion with a delegation of the Government of Cambodia on 14 and 15 July 1999 in Geneva in the context of its examination of Cambodia's initial report and listed in its concluding observations (CCPR/C/79/Add.108) a number of recommendations, similar to the ones proposed by the Special Representative.

120. The Committee was concerned that Khmer Rouge leaders had not yet been brought to trial, that the justice system remained weak and under political or other pressure, that killings and disappearances in 1997-1998 had not been satisfactorily investigated, that the maximum pre-trial detention period had not been respected in a number of cases, that detainees had been coerced and beaten during interrogation, that prisons remained overcrowded and prisoners were in bad health, that trafficking of women and children for purposes of sexual exploitation still occurred, that the role of women in Cambodian society was still a subordinate one, and that there had been violent attacks on journalists and publications had been suspended.

121. The implementation of reforms to resolve these problems is an enormous challenge. The new coalition Government formed at the end of 1998 stated in its platform that it would ensure and protect the freedom of citizens as guaranteed by the Cambodian Constitution, the Universal Declaration of Human Rights, the International Covenants

on Civil and Political Rights and on Economic, Social and Cultural Rights, and the conventions on the rights of women and children. The government platform also stressed the importance of the rule of law as a basic principle.

122. The Prime Minister subsequently promised that firm measures would be taken against corruption and abuse of power at all levels. He has initiated a campaign for the confiscation of illegal weapons. The co-Ministers of the Interior and the governmental Cambodian Human Rights Committee are working on reform of the police system. The co-Ministers of Defence have reacted positively to suggestions about disciplining the military forces and intensifying human rights education for them. The Minister of Justice has developed a plan for drafting laws and is preparing radical reforms of the judicial system. In the social sector, the Minister of Women's Affairs is developing a programme to combat, *inter alia*, trafficking, prostitution and the spread of HIV/AIDS. The Ministry of Education wants to increase school attendance and, at the same time, improve the quality of teaching. The Ministry of Health has well-prepared plans to improve the coverage and quality of health services. The Minister of the Environment has the particularly delicate task of establishing a balance between the requirements of economic development and the need to protect natural resources for the future, including in the interests of the indigenous people.

123. Implementation of these promises and plans would go a long way towards addressing the problems the Special Representative has raised. He appeals to the international community to be available as a supportive partner for this endeavour. The cooperation to make possible legal proceedings against those responsible for the massive human rights violations in 1975-1979 is only one, though an important, first step. Advice and concrete assistance will be required for several of the priorities listed above, including the measures to put an end to impunity. However, the main responsibility will, of course, remain with the Government of Cambodia.

V. Concluding remarks

124. A priority for the Special Representative and the Office of the High Commissioner is to contribute to the further strengthening of the capacity of both governmental and non-governmental institutions to monitor, promote and protect human rights. Continued assistance for the establishment of the rule of law is essential. The concern for civil and political rights is maintained, while at the same time economic, social and cultural rights will be given more attention. There will be a special focus on the rights of women, children, indigenous people and other vulnerable groups.

125. The following are the priorities the Special Representative suggests for the joint United Nations human rights programme in Cambodia:

(a) The provision of continuing assistance to the Government in monitoring the human rights situation;

(b) The promotion of greater integration of the human rights dimension into education, health and other development programmes, through dialogue with development partners;

(c) The provision of further training to the police, gendarmerie and armed forces in support of the Government's restructuring and reform programmes;

(d) Continuing assistance to the reform of the administration of justice and of the police, both directly through the Judicial Mentor Programme and indirectly through advocacy for technical and financial support from donors;

(e) Identification of additional assistance needed to advance further in combating impunity;

(f) Strengthening of the legislative process through assistance with the drafting of legislation and the encouragement of dialogue with civil society to promote informed debate on public policy matters with human rights implications, especially in the domains of economic, social and cultural rights;

(g) On request, provision of advice concerning the submission of Cambodia's reports in relation to international human rights treaties; and

(h) The provision of advice and assistance to the Government and its civil society partners on the establishment of an independent national human rights institution, and the creation of a national plan of action on human rights.

126. These points are included in the draft memorandum of understanding covering the work of the Cambodia Office of the High Commissioner for Human Rights submitted to the Government for consideration in August 1999.

VI. Role of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights

127. During the period under review, from September 1998 to June 1999, the Cambodia Office of the United Nations High Commissioner for Human Rights (COHCHR) continued its efforts to assist the Government and people of Cambodia in the transition to democracy, the establishment of the rule of law and respect for human rights.

128. The mandate of COHCHR remains to: (a) manage the implementation of educational and technical assistance and advisory services programmes and to ensure their continuation; (b) assist the Government of Cambodia established after the election, at its request, in meeting its obligations under human rights instruments to which it has recently adhered, including the preparation of reports to the relevant treaty monitoring bodies; (c) provide support to bona fide human rights groups in Cambodia; (d) contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights; (e) continue to assist with the drafting and implementation of legislation to promote and protect human rights; (f) continue to assist with the training of persons responsible for the administration of justice; and (g) assist the Special Representative in the discharge of his functions. More detailed information on the work of COHCHR is available in the reports submitted to the General Assembly (A/49/635/Add.1, A/50/681/Add.1, A/51/552, A/52/489, chap. III, A/53/400, chap. VI) and the Commission on Human Rights (E/CN.4/1994/73, E/CN.4/1995/87, E/CN.4/1996/92, E/CN.4/1997/84, E/CN.4/1998/94, E/CN.4/1999/100; detailed reports of the work of the Cambodia office in 1997 (E/CN.4/1998/94) and in 1998 (E/CN.4/1999/100) were submitted to the Commission on Human Rights at its fifty-fourth and fifty-fifth sessions, respectively).

129. COHCHR provides technical assistance concerning the drafting and implementation of laws to the National Assembly and its various committees, to the Government and its ministries, and to civil society institutions, including non-governmental and media organizations. Once implemented, the Office monitors the application of the laws.

130. During the period under review, COHCHR focused on the following laws: communal election/communal governance law (the Office discussed the drafting of the law with officials from the Ministry of the Interior and participated in a number of seminars and discussions); NGO law (COHCHR reviewed the new draft law); land law (the Office reviewed the draft law and discussed it with government officials as well as NGOs interested in land cases and land title issues); forestry law (COHCHR made comments on the draft law and discussed it with government officials and NGOs); press law (concerns were expressed to the Ministry of Information about restrictions on the issuance of press licences); law on court clerks; law on disabilities; law on the anti-corruption board; law on the management of public funds and law on the quality control of products. COHCHR also prepared draft internal regulations for the Senate, which was established in March 1999, and assisted with the drafting of the mandate of the Senate Commission on Human Rights.

131. At the request of the Ministry of the Interior, COHCHR prepared comments on draft prison procedures written by the Prison Department. The Office continues to monitor prison conditions closely and most of the prisons in the country were visited during the period under review. A report on prison conditions was shared with the Government in June. In May 1999, the Office provided support to the visit of two experts on police reform. A report containing the experts' findings, as well as their recommendations for the reform of the police, was prepared and circulated in August.

132. In support of the reform of the administration of justice, the Judicial Mentor Programme continued its development. The judicial mentors, who are international consultants, are placed in provincial and municipal courts to work alongside Cambodian judges, prosecutors and clerks. Training is offered for judges and prosecutors on the Cambodian Constitution, Cambodian law and international human rights norms. Mentors answer legal questions which arise in the course of the court's work, and provide training to local police, prison officials, military personnel and government officials. The programme currently covers five provinces and one municipality. Equipment and other material assistance have been provided and some court buildings are being renovated. The Minister of Justice and local authorities have continued to give full support to the programme.

133. The Cambodia Office carries out a wide variety of human rights education and training programmes, in conjunction with its governmental and NGO counterparts, targeted at key sectors of the population including military

personnel, police and prison officials, district and communal leaders, teachers, trade unionists, monks and vulnerable groups including women, children and minorities. COHCHR conducts extensive training of trainers programmes, aimed at strengthening the capacity of NGOs and national institutions in the long term.

134. In Pailin and Phnom Malai, formerly under the control of the Khmer Rouge, the COHCHR offices established in mid-1998 with support from UNDP-CARERE started their training activities on human rights for local officials and the general population. In September 1998, the Cambodia Office decided to resume training in human rights and the law for the gendarmerie, and two training sessions were held in May 1999. Training of the gendarmerie had been suspended after the events of July 1997. COHCHR conducted two training workshops on human rights and democracy for commanders and deputy commanders of the Royal Cambodian Armed Forces (RCAF). The Office has also supervised training for future RCAF trainers.

135. COHCHR has developed a Police Pocket Guide for use by the Cambodian police, a revised curriculum on human rights and democracy for RCAF and a revised curriculum on human rights and law for law enforcement officials. A new curriculum on trafficking, kidnapping and exploitation for Cambodian civilians has also been prepared, which includes discussion on domestic and international laws against those practices. Training of trainers in this curriculum has already started, with the cooperation of local NGOs. Prison officials were trained in the Standard Minimum Rules for the Treatment of Prisoners and other relevant international instruments, and labour inspectors were trained in human rights and labour rights.

136. COHCHR carried out a series of field visits to the north-east of Cambodia, where most people belonging to hill-tribe minorities live, following the January 1999 visit of the Special Representative. In March, COHCHR supported a seminar on the issues confronting indigenous people, attended by hill-tribe representatives, provincial authorities and national government representatives. In May, COHCHR staff met representatives of several NGOs to discuss the effects on hill tribes and minorities of the planned communal governance reform, the implementation of a new land law and illegal and legal logging. A wide variety of projects, such as land-use consultations, non-formal education programmes and a community forest project were visited. A third visit held in June focused on indigenous people's rights in connection with a legal logging concession granted to a foreign company.

137. The Cambodia Office continues its programme of technical cooperation to the Inter-Ministerial Committee on Reporting Obligations and its permanent secretariat. COHCHR has reviewed the draft on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Government has finished drafting the report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, and is in the process of drafting the report on the implementation of the International Covenant on Economic, Social and Cultural Rights, with assistance from the Office. In July, the Human Rights Committee examined the initial report of the Government on the International Covenant on Civil and Political Rights to the Committee on Human Rights.

138. The Office continues to carry out its mandate to stimulate human rights activities at the local level, promote civil society and provide support to bona fide NGOs. In 1999, as in 1998, the Government of Denmark has allocated $250,000 for support to NGOs working in the field of human rights education and the promotion and protection of the rights of women, children and ethnic minorities. COHCHR is introducing a more participatory approach towards NGO activities, under which groups of NGOs will be encouraged to participate jointly in thematic projects initiated by the Office. The major themes selected for 1998 are access to justice, women's rights, poverty and human rights.

139. The Office continues to distribute large quantities of Khmer-language human rights information and materials, including the international covenants, conventions and declarations on human rights, the Cambodian Constitution and relevant laws, and human rights curricula, to ministries and departments of the Government at the national, provincial and communal levels, judges, prosecutors, police, students and the general population.

140. The Office continues to translate into the Khmer language the reports and resolutions of the General Assembly and the Commission on Human Rights on the human rights situation in Cambodia and to distribute widely the Khmer-language texts to government officials, the Khmer-language press, NGOs and others.

141. Six provincial offices of COHCHR now exist, established in collaboration with the United Nations Volunteers programme. In each of these offices, a Cambodian human rights officer is supported by an international United Nations Volunteer human rights adviser. These offices play a crucial role in extending the implementation of the office's programmes, in monitoring the quality of training and other activities, and in

collaborating with local human rights NGOs in the monitoring and investigation of human rights violations and abuses.

142. During the period under review, COHCHR continued to support the missions of the Special Representative and to carry out monitoring and investigation of human rights problems in Cambodia. The Office monitored the human rights aspects of the electoral process in the period following the July polling. In late August and September, the Office closely observed street demonstrations in Phnom Penh, with five out of its six mobile monitoring teams operating in the city. Reports of arrests and disappearances of demonstrators as well as reports of about 20 bodies found on the outskirts of Phnom Penh led to investigations by the Office. At the same time, investigations into some 16 killings allegedly linked to the electoral process were conducted. A number of statements related to violence against demonstrators, to instances of ethnic violence and to the freedom of movement and assembly were issued by COHCHR and the Special Representative. In a report issued in September 1998 by the Special Representative, a total of 26 killings believed to be politically motivated were recorded.

143. From 14 to 22 November, the Group of Experts established by the Secretary-General to examine the possibility of proceedings against the leaders of the Khmer Rouge visited Cambodia. The Group had discussions with a number of government officials and leaders of civil society, as well as with representatives of the diplomatic corps and the United Nations. COHCHR provided support to the Group throughout their visit. Copies of the report of the Group and of the Secretary-General's comments were distributed widely both in English and in Khmer. COHCHR also provided support to the United Nations mission which visited Cambodia in August to discuss with the Government the possible establishment of a tribunal to prosecute Khmer Rouge leaders.

144. The Office participates fully in the work of the United Nations system in Cambodia under the auspices of the Resident Coordinator. The Office is now engaged with the other agencies in the drafting of the United Nations Development Assistance Framework, and in a number of donor coordination activities in the areas of reform of the administration of justice, good governance and the rule of law. The Office continues to provide briefings on all aspects of the human rights situation to delegations and missions from bilateral and multilateral agencies, from parliaments and from international NGOs.

145. The memorandum of understanding between the Office and the Government of Cambodia under which COHCHR operates will expire in March 2000. Preliminary discussions between the Office and the Government on the overall direction and detailed content of the next memorandum of understanding in August 1999 led to the submission of a draft memorandum to the Government.